

700 Delaware State Fire Prevention Regulations

710 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 of Delaware (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, other business or non-profit entity, association either as owner, agent or otherwise providing either prehospital, interfacility or interhospital ambulance service meeting the definitions of either "BLS Ambulance Service" or "Non-Emergency Ambulance Service" within the State. 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 and licensed 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.

3.0 Definitions

For the purpose of this Regulation 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, internet or other electronic/wireless media and telephone directories.

"Ambulance" - Any publicly or privately owned vehicle 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 the State for persons who are sick, injured, wounded or otherwise incapacitated or helpless.

"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 established by the Delaware State Fire Prevention Commission.

"Basic Life Support (BLS)" - The level of capability which provides EMT 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.

**TITLE 1 AUTHORITIES, BOARDS AND COMMISSIONS
DELAWARE ADMINISTRATIVE CODE**

“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” – A standardized patient care report provided by the State EMS office.

“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.

“Center For Medicare/Medicaid Services (CMS)” - The Federal agency which oversee Medicare billing and ambulance standards.

“Certification” – The authorization by the Delaware State Fire Prevention Commission to practice the skills of an EMT or EMR within the State.

“Delaware State Fire Prevention Commission (DSFPC)” - The State agency mandated in Title 16, Delaware Code whom regulates the Basic Life Support System in the State.

“Delaware Refresher Course” - A course of instruction for re-certification required by the Delaware State Fire Prevention Commission for EMT’s and EMR’s that meets the guidelines of the United States Department of Transportation curriculum.

“Delaware State Fire School (DSFS)” – The institution under the supervision and control of the Delaware State Fire Prevention Commission.

“Delaware Training Standard For Delaware Emergency Medical Technicians & Emergency Medical Responders” – The current 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 Responder (EMR)” – An individual who has successfully completed an Emergency Medical Responder course that meets the United States Department of Transportation curriculum.

“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’s and EMR’s.

“Emergency Medical Services Provider Agency” – Shall mean a provider agency certified by the Delaware State Fire Prevention Commission.

“Emergency Medical Services Systems (EMSS)” – Shall mean a **statewide** system which provides for the utilization of available personnel, equipment, transportation and communication to ensure effective and coordinated delivery of medical care in emergency situations resulting from accidents, illness or natural disasters.

“Emergency Medical Technician (EMT)” – The individual as defined in 16 Del.C. §9702(11).

“HIPAA” - Health Insurance 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 or EMT. When a medical control physician establishes contact with a paramedic or EMT, and provides medical control instructions that exceed or otherwise modify the standing orders of the statewide standard treatment protocol, the paramedic or EMT 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 Registry Of Emergency Medical Technicians (NREMT)” - The nationally recognized organization for the testing and registering of persons who have completed United States Department of Transportation, paramedic, EMT and EMR courses.

“National Registered Emergency Medical Technician – Basic (NREMT-B)” - a person who completed the United States Department of Transportation curriculum and passed the NREMT 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.

“Non-Emergency Ambulance Service Provider” – An organization or company which has been authorized by the Delaware State Fire Prevention Commission to provide Non-Emergency Ambulance Service within the State.

“Office Of Emergency Medical Services (OEMS)” - The State agency responsible for ensuring the effective coordination and evaluation of the emergency medical services system in the State which includes providing assistance and advice for activities related toward the planning, development, improvement and expansion of emergency medical services.

“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, prepared pursuant to 16 Del.C. §9802(24), for emergency and critical patients statewide that constitutes the standing orders of BLS providers.

“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 or EMR for a specific period of time as determined by the Delaware State Fire Prevention Commission.

**TITLE 1 AUTHORITIES, BOARDS AND COMMISSIONS
DELAWARE ADMINISTRATIVE CODE**

4

“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 an Ambulance Service District by a BLS Ambulance Service Provider other than the Primary Ambulance Service 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 (SAED)” – An external computerized defibrillator designed for use in unresponsive victims with no breathing or signs of circulation.

“State Board of Medical Licensure and Discipline (Board)” - The body charged with protecting the consumers of the Delaware healthcare system through the proper licensing and regulation of physicians and other health care professionals.

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 BLS Ambulance Services or to operate any Ambulance without compliance with all laws, 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 Primary or Secondary Ambulance Service Providers 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 BLS Ambulance Service with no reduction in service.

5.0 BLS Ambulance Service Districts

The Delaware State Fire Prevention Commission shall have the authority to establish Ambulance Service Districts pursuant to 16 **Del.C.** §6717(a).

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; and

- 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; or
 - 6.2.2 Failure to meet one or more elements of this Regulation creates a threat to public safety; or
 - 6.2.3 The current Primary Ambulance Service Provider either directly or indirectly, by merger or affiliation or through contractual agreement transfers or assigns Primary Ambulance Service to any person, firm, corporation, other business or non-profit entity not authorized by the Delaware State Fire Prevention Commission to provide BLS Ambulance Service within the Primary Ambulance Service Provider's Ambulance Service District.
- 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; and
 - 6.4.2 Have a written contract to provide BLS Ambulance Service to that specific location or site; and
 - 6.4.3 Provided the names, locations and conditions of all Secondary Ambulance Service contracts to the Delaware State Fire Prevention Commission within 20 days of contract finalization.

7.0 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 Provider 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 the State or maintain an office in the State with a full time individual assigned to that office who is in Responsible Charge.
 - 7.1.1.3 All requirements set forth in this Regulation must be met before issuance of any 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 issued shall be valid until December 31st of that year. Permits must be renewed annually.
 - 7.1.3 The Delaware State Fire Prevention Commission may issue temporary permits when determined to be in the interest of public safety.
 - 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 Primary Ambulance Service Provider or Secondary 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, Primary Ambulance Service Providers and Secondary 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 shall be completed on all dispatched responses.

**TITLE 1 AUTHORITIES, BOARDS AND COMMISSIONS
DELAWARE ADMINISTRATIVE CODE**

6

- 7.1.6.2 EMT's- shall complete, without exception, a written/computer report on each patient contact. Reports shall be completed within twenty-four (24) hours.
 - 7.1.6.3 When available, the report shall be entered electronically and forwarded to the state EMS office.
 - 7.1.6.4 Failure to comply with data submission may result in loss of BLS Ambulance Service Permit or EMT Certification.
 - 7.1.6.5 Submit any other data to the designated agencies as required by the Delaware State Fire Prevention Commission.
- 7.2 BLS Operational Requirements
- 7.2.1 Vehicle Standards
 - 7.2.1.1 All BLS Ambulances shall be registered and licensed in the State by the Delaware Division of Motor Vehicles.
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 most current United States General Services Administration federal specifications for the Star of Life Ambulances.
 - 7.2.2 Equipment Standards
 - 7.2.2.1 Every BLS Ambulance shall maintain the required equipment and supplies as specified by the Delaware State Fire Prevention Commission and updated annually following recommendations from the Delaware State Fire School Director and 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 State Certified EMT.
 - 7.2.3.2 A minimum of one State Certified EMT shall always be in the patient compartment when a patient is present.
 - 7.2.3.3 BLS Ambulance Service 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.
 - 7.2.3.4 BLS Ambulance Service drivers are required to maintain current SAED/CPR certification.
 - 7.2.3.5 Any member or employee with a BLS Ambulance Service Provider who has been convicted of or, had that employee member or been charged as a juvenile, adjudicated delinquent of crimes set forth in 16 **Del.C.** §6647 or any similar offense under any federal, state, or local law is prohibited from serving as a BLS Ambulance Service driver in this State.
 - 7.2.3.5.1 The BLS Ambulance Service Provider shall certify, on an annual basis, to the State Fire Prevention Commission that their members or employees have never been convicted of an offense that constitutes any of the crimes set forth in 16 **Del.C.** §6647 or any similar offense under any federal, state, or local law.
 - 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 established by the Delaware State Fire Prevention

Commission 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 Provider 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 BLS Ambulances dispatched to handle 9-1-1 emergency responses shall be equipped with reliable communication through the State of Delaware 800 MHz radio system.

7.2.6 SAED Requirements

7.2.6.1 Upon placing a SAED on any Ambulance, the Primary Ambulance Service Provider or Secondary Ambulance Service Provider shall comply with the Delaware Early Defibrillation Program Administrative Policies as established by the Office of Emergency Medical Services.

7.2.7 Infection Control: All Primary Ambulance Service Providers and Secondary Ambulance Service Providers shall comply with the infection control requirements in Chapter 10A, Title 16 of the **Delaware Code**.

7.2.8 Medical Control: Primary Ambulance Service Providers and Secondary Ambulance Service Providers shall be required to follow all orders issued.

7.2.9 Center for Medicare Medicaid Services (CMS): All Primary Ambulance Service Providers and Secondary Ambulance Service Providers shall comply with the Final Rule in the Federal Register (64F.R3637) revising the Medicare policies for ambulance services adopted February 24, 1999, or the most current edition.

7.2.10 Health Insurance Portability and Accountability Act of 1996 (HIPAA), or the most current version.

7.2.11 All Primary Ambulance Service Providers and Secondary Ambulance Service Providers shall comply with HIPAA.

8.0 Compliance

8.1 The owner or registered agent of every Primary Ambulance Service Provider or Secondary Ambulance Service Provider shall provide BLS 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. The Delaware State Fire Prevention Commission shall have the authority to issue corrective orders, cease and desist orders, suspend or revoke a Primary Ambulance Service Provider or Secondary Ambulance Service Provider's permit.

8.2 Every BLS Ambulance shall maintain the required equipment and supplies as specified by the Delaware State Fire Prevention Commission.

8.2.1 Violations of section 8.2 shall require corrective action as defined in section 8.2.3 with the exception of those violations which represent an imminent danger to the public.

**TITLE 1 AUTHORITIES, BOARDS AND COMMISSIONS
DELAWARE ADMINISTRATIVE CODE**

8

8.2.2 For those violations of section 8.2 representing an imminent danger to the public, the Delaware State Fire Prevention Commission or its designated agent shall issue and deliver an order to cease and desist any further BLS 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 or its designated agent.

8.2.3 Equipment Deficiency Classifications and Corrective Action

8.2.3.1 Critical – The Primary Ambulance Service Provider or Secondary Ambulance Service Provider shall be immediately notified and the unit is placed out-of-service until the deficiency is corrected and a re-inspection has occurred.

8.2.3.2 Cautionary – The Primary Ambulance Service Provider or Secondary Ambulance Service Provider shall be immediately notified and the violation(s) shall require correction within five (5) working days of receipt of notice. All corrections shall require validation by the Delaware State Fire Prevention Commission or its designated agent. If not corrected within five (5) working days, the unit must be placed out-of-service.

8.2.3.3 Watchful – The Primary Ambulance Service Provider or Secondary Ambulance Service Provider shall be immediately notified that the deficiency must be corrected at the next restocking or shift change.

8.3 A Primary Ambulance Service Provider or Secondary Ambulance Service Provider may have its BLS Ambulance Service permit revoked or suspended if:

8.3.1 A Primary Ambulance Service Provider or Secondary Ambulance Service Provider has violated or aided or abetted in the violation of any provision of this Regulation or order issued by the Delaware State Fire Prevention Commission or its designated agent; or

8.3.2 A Primary Ambulance Service Provider or Secondary Ambulance Service Provider has practiced any fraud, misrepresentation, or deceit in obtaining or renewing a BLS Ambulance Service permit; or

8.3.3 A Primary Ambulance Service Provider or Secondary Ambulance Service Provider has demonstrated gross negligence, incompetence or misconduct in providing BLS Ambulance Service; or

8.3.4 Has violated Statewide Basic Life Support treatment protocols; or

8.3.5 Has engaged in any unfair or deceptive trade practice; or

8.3.6 Has violated any contractual agreement related to providing BLS Ambulance Service.

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 the EMSS that are served by the State of Delaware.

9.3 Definitions:

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

9.3.2 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 EMSS effectiveness and identify trends (QI)

9.4.3 Provide constructive feedback on quality improvement to all EMS Providers within the State of Delaware

- 9.4.4 To coordinate the findings of quality assurance activities with the content of EMS Provider continuing education programs
- 9.4.5 To provide assistance to EMS Providers with local agency QA/QI programs.
- 9.5 Emergency Medical Services Provider Agencies Quality Assurance and Improvement Requirements:
 - 9.5.1 EMS Provider 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 Provider 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 or 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 emergency medical services 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 its designee.
- 9.6 Statewide QA/QI Improvement Committee
 - 9.6.1 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 Emergency Medical Services, one representative from the Delaware Volunteer Firefighter's Association, a dispatch center representative and a State patient care report 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
 - 9.7.1 Responsible to assure reasonable standards of care and professionalism are met within the State's BLS system.
 - 9.7.2 Participate in patient care report review audits, data collection, and evaluation of system performance.
 - 9.7.3 Maintain strict confidentiality of patient information, personnel and Q/A topics.
 - 9.7.4 Each Committee member MUST sign a confidentiality statement to be provided by the Office of Emergency Medical Services.
 - 9.7.5 Make sure information disseminated is protected from discovery of protected healthcare information.
 - 9.7.6 Make recommendations for changes to policies, guidelines and protocols.
 - 9.7.7 Attend a quarterly meeting to discuss QA/QI issues.
 - 9.7.8 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.
 - 9.7.9 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 emergency medical services 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
 - 9.8.1.3.2 Appropriate protocol followed
 - 9.8.1.3.3 If no, was deviation justified
 - 9.8.1.3.4 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 Resources (equipment and personnel)
 - 9.8.1.6.2 Priority medical dispatch
 - 9.8.1.6.3 Hospital diversion
 - 9.8.1.6.4 Scratch rate
 - 9.8.1.6.5 ALS cancellations
 - 9.8.1.6.6 Air medical utilization
 - 9.8.1.6.7 Funding
- 9.8.1.7 Outcomes
- 9.8.2 Quarterly reports will be developed through the State's patient care reporting system. 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:
 - 9.8.4.1 Knowledge or skill issues
 - 9.8.4.2 Documentation issue
 - 9.8.4.3 Resource issue
 - 9.8.4.4 Protocol issue
 - 9.8.4.5 Communication issue
 - 9.8.4.6 Statewide system issue
 - 9.8.4.7 Conduct issue
- 9.8.5 The QA/QI Committee shall provide constructive feedback and recommendations to improve the State's BLS system.
 - 9.8.5.1 Recommend changes to policy, procedures, or protocols
 - 9.8.5.2 Recommend changes in operational procedures or equipment
 - 9.8.5.3 Recommend training
- 9.8.6 All Committee recommendations will be forwarded to the appropriate EMS Provider Agency(s) for consideration.

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 Non-Emergency Ambulance Services or to operate any Ambulance without compliance with all laws, 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 Non-Emergency Ambulance Service Providers holding a current, valid Non-Emergency Ambulance Service 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 the State or maintain an office in the State with a full time individual assigned to 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 issued shall be valid until December 31st of that year. Permits must be renewed yearly.

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

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 Non-Emergency 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 Non-Emergency Service Ambulances shall be registered and licensed in the State by the Delaware Division of Motor Vehicles.

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 most current United States General Services Administration federal specifications for the Star of Life Ambulances.
- 11.2.2 Equipment Standards
 - 11.2.2.1 Every Non-Emergency Service Ambulance shall maintain the required equipment and supplies as specified by the Delaware State Fire Prevention Commission and updated annually following recommendations from the Delaware State Fire School Director and 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 State Certified EMT.
 - 11.2.3.2 A minimum of one State Certified EMT shall always be in the patient compartment when a patient is present.
 - 11.2.3.3 Non-Emergency Ambulance Service 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.
 - 11.2.3.4 Any employee with a Non-Emergency Ambulance Service Provider who has been convicted of or, had that employee been charged as a juvenile, adjudicated delinquent of crimes set forth in 16 **Del.C.** §6647 or any similar offense under any federal, state, or local law is prohibited from serving as a Non-Emergency Ambulance Service driver in this State.
 - 11.2.3.4.1 The Non-Emergency Ambulance Service Provider shall certify, on an annual basis, to the State Fire Prevention Commission that their employees have never been convicted of an offense that constitutes any of the crimes set forth in 16 **Del.C.** §6647 or any similar offense under any federal, state, or local law.
- 11.2.4 Communications Requirements
 - 11.2.4.1 All Non-Emergency Ambulances shall be equipped with reliable communication that is capable of interfacing with the State of Delaware 800 MHz radio systems. Systems are required to be connected with Public Safety Answering Points (PSAP) and all medical control facilities. This needs to be coordinated with the State of Delaware Division of Communication to provide connectivity. This requirement must be adhered to within one year from the adoption of this regulation.
- 11.2.5 SAED Requirements
 - 11.2.5.1 Upon placing an SAED on any Ambulance, the Non-Emergency Ambulance Service Provider shall comply with the Delaware Early Defibrillation Program Administrative Policies as established by the Office of Emergency Medical Services.
- 11.2.6 Infection Control: All Non-Emergency Ambulance Service Providers shall comply with the infection control requirements in Chapter 10A, Title 16 of the Delaware code.
- 11.2.7 Center for Medicare Medicaid Services (CMS): All Non-Emergency Ambulance Service Providers shall comply with the Final Rule in the Federal Register (64 F.R. 3637) revising the Medicare policies for ambulance services adopted February 24, 1999, or the most current edition.
- 11.2.8 Health Insurance Portability and Accountability Act of 1996 (HIPAA), or most current version.
- 11.2.9 All Non-Emergency Ambulance Service Providers will comply with the HIPAA.

12.0 Compliance

- 12.1 The owner or registered agent of every Non-Emergency Ambulance Service Provider shall provide Non-Emergency Ambulance Service in accordance with the requirements set forth in this Regulation and the contractual agreements established as a Non-Emergency Ambulance Service Provider and filed with the Delaware State Fire Prevention Commission in accordance with the provisions set forth in these Regulations. The Delaware State Fire Prevention Commission shall have the authority to issue corrective orders, cease and desist orders, suspend or revoke a Non-Emergency Ambulance Service Provider's permit.
- 12.2 Every Ambulance used by a Non-Emergency Ambulance Service Provider shall maintain the required equipment and supplies as specified by the Delaware State Fire Prevention Commission.
 - 12.2.1 Violations of section 12.2 shall require corrective action as defined in section 12.2.3 with the exception of those violations which represent an imminent danger to the public.
 - 12.2.2 For those violations of section 12.2 representing an imminent danger to the public, the Delaware State Fire Prevention Commission or its designated agent shall issue and deliver an order to cease and desist any further Non-Emergency 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 or its designated agent.
 - 12.2.3 Equipment Deficiency Classifications and Corrective Action
 - 12.2.3.1 Critical – The Non-Emergency Ambulance Service Provider shall be immediately notified and the unit is placed out-of-service until the deficiency is corrected and a re-inspection has occurred.
 - 12.2.3.2 Cautionary – The Non-Emergency Ambulance Service Provider shall be immediately notified and the violation(s) shall require correction within five (5) working days of receipt of notice. All corrections shall require validation by the Delaware State Fire Prevention Commission or its designated agent. If not corrected within five (5) working days, the unit must be placed out-of-service.
 - 12.2.3.3 Watchful – The Non-Emergency Ambulance Service Provider shall be immediately notified that the deficiency must be corrected at the next restocking or shift change.
- 12.3 A Non-Emergency Service Provider may have its Non-Emergency Ambulance Service permit revoked or suspended if:
 - 12.3.1 A Non-Emergency Ambulance Service Provider has violated or aided or abetted in the violation of any provision of this Regulation or order issued by the Delaware State Fire Prevention Commission or its designated agent; or
 - 12.3.2 A Non-Emergency Ambulance Service Provider has practiced any fraud, misrepresentation, or deceit in obtaining or renewing a Non-Emergency Ambulance Service permit; or
 - 12.3.3 A Non-Emergency Ambulance Service Provider has demonstrated gross negligence, incompetence or misconduct in providing Non-Emergency Ambulance Service; or
 - 12.3.4 Has engaged in any unfair or deceptive trade practice; or
 - 12.3.5 Has violated any contractual agreement related to providing Non-Emergency Ambulance Service.

DISCONTINUATION OF BLS AMBULANCE SERVICE

13.0 Discontinuation of BLS Ambulance Service

- 13.1 STEP 1: Any Primary Ambulance Service Provider desiring to terminate BLS Ambulance Service in the State must notify the Delaware State Fire Prevention Commission in writing 180 days before terminating BLS Ambulance Service.
- 13.2 STEP 2: Immediately upon notification of a Primary Ambulance Service Provider's desire to terminate service, the Chair or the Vice Chair of the Delaware State Fire Prevention Commission shall notify the president of the county firemen's association in which the Primary Ambulance Service Provider

**TITLE 1 AUTHORITIES, BOARDS AND COMMISSIONS
DELAWARE ADMINISTRATIVE CODE**

14

provides BLS Ambulance Service to the residences and visitors of the State for that Ambulance Service District.

- 13.3 STEP 3: Immediately upon receiving notification of a Primary Ambulance Service Provider's desire to terminate BLS Ambulance Service the Chair of the Delaware State Fire Prevention Commission shall appoint a committee. The committee established pursuant to this section 13.3 shall:
- 13.3.1 Communicate and offer assistance to the terminating Primary Ambulance Service Provider in an effort to help them continue BLS Ambulance Service.
 - 13.3.2 In the event that the committee is unable to get the company to continue BLS Ambulance Service, they shall then contact the surrounding departments and ascertain and/or develop a plan for those departments to divide the Ambulance Service District and continue BLS Ambulance 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 BLS Ambulance Service to the residences and visitors of the state of Delaware for that Ambulance Service 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.

EMERGENCY MEDICAL TECHNICIANS

14.0 Training/Certification

All individuals who successfully complete initial EMT training may be eligible for and must successfully pass the NREMT examination to receive Delaware EMT Certification.

- 14.1 Eligibility For Delaware EMT Certification
- 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 Certification as an EMT provided that.
 - 14.1.2.1 They are a member in good standing of a Delaware Fire Department, an ambulance company, a private ambulance provider or any other group, business or industry authorized by the Delaware State Fire Prevention Commission to provide BLS or Non-Emergency Ambulance Service within the State.
 - 14.1.2.2 They have obtained EMT, advanced emergency medical technician or paramedic 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 pursuant to 16 **Del.C.** §6712.
 - 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 may be obtained by completing a state approved EMT course and passing the NREMT exam. Registration and Certification will be issued for the time period to coincide with the NREMT registration cycle. This is typically a two-year period.
 - 14.2.2 Individuals who take an EMT class from a state-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.
 - 14.2.2.2 It is the responsibility of the individual applying to provide all necessary documentation for certification to include course completion certificate, current SAED/CPR certification, Delaware protocol training and NREMT-B card.
- 14.3 Recertification as Delaware EMT
- 14.3.1 Individuals will be re-certified for a two-year period.

- 14.3.2 The re-certification requirements for a Delaware EMT 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 the following requirements.
 - 14.3.3.1.1 Attend an approved in-State prescribed US Department of Transportation EMT refresher conducted by the Delaware State Fire School or an equivalent approved by the State Fire Prevention Commission.
 - 14.3.3.1.2 Current CPR/SAED certificate.
 - 14.3.3.1.3 Completion of form provided by the Delaware State Fire School.
 - 14.3.3.1.4 The applicant for re-Certification is 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.
 - 14.3.3.1.5 The Chief, Chief Executive Officer, President or head of the respective organization signs the application.
 - 14.3.3.1.6 The applicant for re-Certification has not previously had their Delaware EMT Certification revoked. Previous suspension of a Delaware EMT Certification may be grounds for denial of re-Certification.
- 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; Violations; Penalties and Disciplinary Procedure.
 - 14.4.1 An EMT may lose their Delaware EMT Certification if:
 - 14.4.1.1 An EMT does not meet the re-Certification requirements as defined by the Delaware State Fire Prevention Commission; or
 - 14.4.1.2 Obtained Certification by means of fraud or deceit; or
 - 14.4.1.3 Demonstrated gross negligence, or has proven otherwise to be grossly incompetent; or
 - 14.4.1.4 Violated Statewide Basic Life Support treatment protocols; or
 - 14.4.1.5 Violated or aided or abetted in the violation of any provision of this Regulation; or
 - 14.4.1.6 Engaged in unprofessional conduct; or
 - 14.4.1.7 Has their NREMT certification revoked by the National Registry of Emergency Medical Technicians; or
 - 14.4.1.8 Is charged with an offense as specified in 16 Del.C. §6712(b).
 - 14.4.2 “Unprofessional conduct” includes but is not limited to any of the following acts or omissions:
 - 14.4.2.1 The use of any false, fraudulent, or forged statement or document or the use of any fraudulent, deceitful, dishonest, or unethical practice in connection with a certification, registration, or licensing requirement of this Regulation, or in connection with the practice of EMT services or other profession or occupation regulated by the Delaware State Fire Prevention Commission;
 - 14.4.2.2 Conviction of or admission under oath to having committed a crime substantially related to the practice of EMT services or other profession or occupation regulated by the Delaware State Fire Prevention Commission;

**TITLE 1 AUTHORITIES, BOARDS AND COMMISSIONS
DELAWARE ADMINISTRATIVE CODE**

16

- 14.4.2.3 Any dishonorable, unethical, or other conduct likely to deceive, defraud, or harm the public;
 - 14.4.2.4 The practice of EMT services or other profession or occupation regulated by the Delaware State Fire Prevention Commission under a false or assumed name;
 - 14.4.2.5 The practice of EMT services or other profession or occupation regulated by the Delaware State Fire Prevention Commission without a certificate or other authorizing document or renewal of such document, unless otherwise authorized by the Delaware State Fire Prevention Commission;
 - 14.4.2.6 The use, distribution, or issuance of a dangerous or narcotic drug, other than for therapeutic or diagnostic purposes;
 - 14.4.2.7 The practice of EMT services or other profession or occupation regulated by the Delaware State Fire Prevention Commission by any EMT whose physical or mental capacity is not adequate to safely perform the EMT's duties and responsibilities;
 - 14.4.2.8 Advertising of the practice of EMT services or other profession or occupation regulated by the Delaware State Fire Prevention Commission in an unethical or unprofessional manner;
 - 14.4.2.9 Knowing or intentional performance of an act which, unless authorized by the Delaware State Fire Prevention Commission, assists an unauthorized person to practice EMT services or other profession or occupation regulated by the Delaware State Fire Prevention Commission;
 - 14.4.2.10 The failure to provide adequate supervision to an individual working under the supervision of a person who is certified to practice EMT services or other profession or occupation regulated by the Delaware State Fire Prevention Commission;
 - 14.4.2.11 Misconduct, incompetence, or gross negligence in the practice of EMT services or other profession or occupation regulated by the Delaware State Fire Prevention Commission;
 - 14.4.2.12 Unjustified failure upon request to divulge information relevant to the authorization or competence of a person to practice EMT services or other profession or occupation regulated by the Delaware State Fire Prevention Commission to the Delaware State Fire Prevention Commission, or to anyone designated by the Delaware State Fire Prevention Commission to request such information;
 - 14.4.2.13 The violation of a provision of this Regulation or the violation of an order of the Delaware State Fire Prevention Commission related to the practice of EMT services, BLS Service or to the procedures of other professions or occupations regulated by Delaware State Fire Prevention Commission, the violation of which more probably than not will harm or injure the public or an individual;
 - 14.4.2.14 Charging a grossly exorbitant fee for EMT services or BLS Services rendered;
 - 14.4.2.15 Suspension or revocation of EMT Certification or of the authorizing document to practice another profession or occupation regulated by Delaware State Fire Prevention Commission, or other disciplinary action taken by the regulatory authority in another state or territory. In making its determination, the Delaware State Fire Prevention Commission may rely upon decisions made by the appropriate authorities in other states and may not permit a collateral attack on those decisions.
- 14.4.3 The following procedure shall be followed for the investigation of complaints against EMT's:
- 14.4.3.1 Any person who desires to file a complaint against any EMT must do so in writing to the Delaware State Fire Prevention Commission.
 - 14.4.3.2 The complaint shall state the name of the EMT and sufficient facts as determined by the Delaware State Fire Prevention Commission which allegedly constitute the basis for the written complaint. If any of these elements are missing in the written complaint, the Delaware State Fire Prevention Commission may, in its discretion, *sua sponte* dismiss the complaint.
 - 14.4.3.3 The complaint shall be filed with the Delaware State Fire Prevention Commission. The Delaware State Fire Prevention Commission's designee shall, within 15 days of the receipt

of the complaint, fill out a complaint card, assign a complaint number and log the complaint in the Delaware State Fire Prevention Commission's records. A record of the complaint shall be kept with the Delaware State Fire Prevention Commission for a period of 5 years. The Delaware State Fire Prevention Commission shall also assign a designee to investigate the complaint after this procedure is complied with.

- 14.4.3.4 The Delaware State Fire Prevention Commission shall thereafter mail a copy of the complaint to the EMT named in the complaint at the EMT's address of record in the Delaware State Fire Prevention Commission's files. The Delaware State Fire Prevention Commission may, in its discretion, withhold the name of the complainant. The named EMT, if the EMT chooses, may file an answer to the complaint within 20 calendar days with the Delaware State Fire Prevention Commission.
 - 14.4.3.5 The Delaware State Fire Prevention Commission shall suspend its investigation and withhold from the respondent reports of violations or misconduct if a request to do so is made in writing by the Delaware Department of Justice or a federal law-enforcement authority due to the potential effects of such conduct on a pending criminal investigation. Such written request shall suspend any duty to investigate, advise the complainant or respondent, or undertake any other duties that would interfere with the ability of law enforcement to investigate the allegations successfully. The suspension shall remain in effect until the Delaware Department of Justice or federal law enforcement informs the Delaware State Fire Prevention Commission in writing that action by the Delaware State Fire Prevention Commission will not interfere with a pending law-enforcement investigation.
 - 14.4.3.6 The investigator assigned by the Delaware State Fire Prevention Commission shall direct the investigation of the complaint. The investigator shall issue a final report at the conclusion of the investigator's investigation. The report shall list the evidence reviewed, the witnesses interviewed and cite the law or regulation alleged to have been violated and the facts to support such finding. The report shall contain a written recommendation to either prosecute or dismiss the complaint approved by the Delaware State Fire Prevention Commission.
 - 14.4.3.7 The Chair or Vice-Chair of the Delaware State Fire Prevention Commission may forward the complaint and written report to the Department of Justice for review by a Deputy Attorney General. If deemed warranted, the Deputy Attorney General may file a formal written complaint against the named EMT with the the Delaware State Fire Prevention Commission and request a hearing before the Delaware State Fire Prevention Commission. If the Deputy Attorney General assigned to the case recommends not to prosecute or otherwise not file a formal complaint, the Deputy Attorney General shall notify the Chair or Vice-Chair of the Delaware State Fire Prevention Commission in writing.
 - 14.4.3.8 If the Deputy Attorney General assigned to the case recommends dismissal or no prosecution, the Delaware State Fire Prevention Commission shall, thereafter, dismiss the complaint which shall constitute a final order. The Delaware State Fire Prevention Commission shall, thereafter, file a copy of the Attorney General's recommendation and an investigator's report for informational purposes only.
 - 14.4.3.9 Nothing in this subsection shall prohibit a member of the public from filing a complaint directly with the Delaware State Fire Prevention Commission or an EMS Medical Director.
- 14.4.4 For the purpose of the public health, safety and welfare, the Delaware State Fire Prevention Commission may impose, after a hearing, any of the following sanctions against an EMT for any violation of this Regulation:
- 14.4.4.1 Issue a letter of reprimand;
 - 14.4.4.2 Place the EMT on probationary status with requirements for reporting to the Delaware State Fire Prevention Commission.
 - 14.4.4.3 Suspend any EMT's Certification;

**TITLE 1 AUTHORITIES, BOARDS AND COMMISSIONS
DELAWARE ADMINISTRATIVE CODE**

18

- 14.4.4.4 Permanently revoke any EMT's Certification;
- 14.4.4.5 Withdraw or reduce conditions of probation when the Delaware State Fire Prevention Commission finds that the deficiencies which required such action have been remedied.
- 14.5 Reinstatement for Delaware EMT Upon Expiration of Current Certification.
 - 14.5.1 Individuals desiring to regain Certification as a Delaware EMT, after the expiration of their Certification may do so provided the following conditions are met.
 - 14.5.1.1 Their card has been expired 24 months or less.
 - 14.5.1.2 They must attend an approved Delaware EMT refresher course.
 - 14.5.1.3 They must show proof of a current SAED and CPR certification.
 - 14.5.1.4 They must successfully complete the current Delaware Protocol examination. The protocol self study course is available from the Delaware State Fire School or their website.
 - 14.5.1.5 They must acquire a Delaware and Federal background check at their expense.
 - 14.5.1.6 They must submit all required paperwork and application for Certification to the Delaware State Fire School.
 - 14.5.1.7 The applicant is 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.
 - 14.5.1.8 The Chief, CEO or head of the respective organization signs the application.
 - 14.5.1.9 The applicant has not previously had their Delaware EMT Certification revoked. Previous suspension of a Delaware EMT Certification may be grounds for denial of reinstatement.
 - 14.5.2 Individuals whose card has expired 24 months or more must take an approved EMT course and pass the NREMT examination.
- 14.6 Testing Procedures For National Registry of Emergency Medical Technicians.
 - 14.6.1 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 EMT's, paramedics, nurses, or physicians who enter Delaware with a NREMT EMT, advanced emergency medical technician or paramedic certification will receive reciprocity as an EMT in the State provided that.
 - 14.7.1.1 They become a member of an authorized Primary, Secondary or Non-Emergency Ambulance Service Provider in the State.
 - 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 certification.
 - 14.7.1.4 CPR and SAED as approved by the Delaware State Fire Prevention Commission.
 - 14.7.1.5 Challenge practical exams as required.
 - 14.7.1.6 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 Regulation 710, Section 15.0, 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 certification must obtain NREMT registration 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.
- 14.8 Duty to Self-Report. – All EMT's shall:
 - 14.8.1 Self-report to the volunteer fire, rescue or ambulance company, BLS Ambulance Service Provider, Primary Ambulance Service Provider, Secondary Ambulance Service Provider or Non-Emergency

- Ambulance Service Provider to which they are a member or employed and to the State Fire Prevention Commission any convictions, charges or adjudications.
- 14.8.2 Submit the report required by this section in writing within 30 days of the charge, adjudication or notification of the conviction.
- 14.8.3 Failure to make a report constitutes grounds for discipline under this Regulation.

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 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, the Director shall notify the Delaware State Fire Prevention Commission of this decision. Unprofessional conduct as defined in this Regulation may constitute cause under this sub-section.
- 15.2.3 The Director of the Delaware State Fire School shall advise the applicant that the application is denied and state the reason therefore. The Director of the Delaware State Fire School will also advise the applicant of the right to review all information reviewed by the Director and the right to appeal the 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 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 hearing before the Delaware State Fire Prevention Commission will be conducted in accordance with the Delaware Administrative Procedures Act 29 **Del.C.** Ch. 101.
- 15.4 Requirements for Certification
- 15.4.1 Persons seeking certification as a Delaware EMT must be eighteen (18) years of age at the time of application.
- 15.4.2 An individual applying for certification must meet the requirement of Regulation 710, 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 Regulation.
- 15.5 Administrative Policy Pertaining to Criminal History Background Checks

TITLE 1 AUTHORITIES, BOARDS AND COMMISSIONS
DELAWARE ADMINISTRATIVE CODE

- 15.5.1 Delaware State Fire School training announcements for EMT courses will include the statement "Criminal History Background checks will be required as per the regulations".
 - 15.5.2 All chiefs of departments, presidents or ambulance captains of volunteer rescue or ambulance squads or officers of private corporations or entities which have students pre-registered for the class shall inform the individual that a criminal history background check will be required. It will be the responsibility of any private EMT training institution to make their students aware that a criminal history background check is required to become a State Certified EMT and the criminal history background check be available in order to receive EMT Certification or authorization by the Delaware State Fire Prevention Commission, or its designee.
 - 15.5.3 Any student not pre-registered for the class will not be accepted as a walk-in.
 - 15.5.4 All EMT 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 refundable at 100% if the student drops out prior to the first night of class. The tuition may be refundable at 50% if the student drops out prior to the midpoint of class. The tuition is non-refundable after the midpoint of class.
 - 15.5.6 Any volunteer fire, rescue or ambulance company student accepted into the course who does not complete the course will be required to reimburse the Delaware State Fire School the cost of the course materials.
- 15.6 Payment of Cost for Criminal History Background Checks
- 15.6.1 All applicants shall pay for the criminal history background check at the time of their request.
 - 15.6.2 Reciprocity for University of Delaware Students
 - 15.6.2.1 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 EMT.
 - 15.6.2.2 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.
- 15.7 Confidentiality of Criminal History Background Check Information
- 15.7.1 Information obtained pursuant to the criminal history background check is confidential and except as provided in this Regulation, shall not be released from the Delaware State Fire School under any circumstances to anyone.
 - 15.7.2 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.
 - 15.7.3 When a denial for Certification is made, the Delaware State Fire Prevention Commission 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 any appeal process is completed.
 - 15.7.3.1 At the expiration of 60 days, if an appeal has not been filed, the information is to be retained by the Director of the Delaware State Fire School secured file system.
 - 15.7.4 Pursuant to 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.

EMERGENCY MEDICAL RESPONDERS

- 16.0 Emergency Medical Responders: EMR's do not meet the requirements of EMT and cannot transport a patient without a Delaware Certified EMT present and in the patient care compartment.**

- 16.1 Eligibility for Delaware EMR Certification
 - 16.1.1 16 years of age
 - 16.1.2 Complete approved United States Department of Transportation EMR curriculum
 - 16.1.3 NREMT EMR certification is optional
 - 16.1.4 Submit required applications and paperwork to Delaware State Fire School
- 16.2 Certification is valid for 2 years from the date of course completion.
- 16.3 Re-Certification
 - 16.3.1 Must re-Certify as mandated by the Delaware State Fire Prevention Commission.
 - 16.3.1.1 United States Department of Transportation EMR refresher, SAED and CPR.
 - 16.3.1.2 NREMT registration – As determined by NREMT.
 - 16.3.1.3 The applicant for re-Certification has not previously had their Delaware EMR Certification revoked. Previous suspension of a Delaware EMR Certification may be grounds for denial of re-Certification.
- 16.4 De-certification
 - 16.4.1 May have their Certification revoked by the Delaware State Fire Prevention Commission for any violation of this Regulation. The provisions of sections 14.4 and 14.8 of this Regulation are expressly made applicable to EMR's
- 16.5 Expired EMR Certifications
 - 16.5.1 Individuals desiring Certification as an EMR after the expiration date of their certification may do so providing the following conditions are met.
 - 16.5.1.1 Card expired 24 months or less.
 - 16.5.1.2 Attend approved refresher course.
 - 16.5.1.3 Show proof of current SAED/CPR certification.
 - 16.5.1.4 Submit all required applications and paperwork to Delaware State Fire School.
 - 16.5.1.5 The applicant for re-Certification has not previously had their Delaware EMR Certification revoked. Previous suspension of a Delaware EMR Certification may be grounds for denial of re-Certification.
 - 16.5.1.6 Individuals whose card has expired more than 24 months must attend a complete EMR training course.
 - 16.5.2 Individuals desiring to regain NREMT registration must follow the policies of the NREMT.
- 16.6 Testing procedures Delaware EMR.
 - 16.6.1 Initial testing and retesting for EMR's will follow the guidelines set forth by Delaware State Fire School.
- 16.7 Reciprocity.
 - 16.7.1 EMR's from other state must submit a request.
 - 16.7.2 Show proof of attending a United States Department of Transportation curriculum.
 - 16.7.3 Obtain or show proof of CPR/SAED certification as approved by Delaware State Fire Prevention Commission.
 - 16.7.4 Successfully complete practical examinations as determined by the Delaware State Fire School.
 - 16.7.5 Successfully complete the State EMR examination.

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

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

14 DE Reg. 1046 (04/01/11)