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Office of Emergency Medical Services


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MEMORANDUM

TO: EMS Advisory Council Members
EMS Advisory Council Ad Hoc Members
EMS Systems
EMS Administrators
EMS Agencies

FROM: Drexdal Pratt, Chief 
North Carolina Office of EMS

SUBJECT: Notice of New EMS and Trauma Rules

DATE: March 11, 2009

For the past year, the North Carolina Office of Emergency Medical Services (OEMS), the NC EMS Advisory Council, and many of our EMS stakeholders have been working to update and revise the EMS Rules of the Medical Care Commission, 10A NCAC 13P. At the December meeting of the Rules Review Commission, the EMS rules were reviewed and approved with an effective date of January 1, 2009. Several rules approved by the Commission received objections from an out of state air medical provider and their attorneys.

These objections required a review by the NC General Assembly in accordance with G.S. 150B. Since the objections affected the entire set of EMS and Trauma Rules in 10A NCAC 13P, the OEMS was significantly limited on its ability to carry out the agency's regulatory responsibility. In view of the fact the public health and safety of our citizens could be at risk, the Governor has issued an Executive Order in accordance with G.S. 150B (Attachment A) that codifies these rules without review by the North Carolina Legislature during the 2009 legislative session. The issuance of this order does not prohibit the General Assembly from reviewing the EMS rules; however, the order makes all 10A NCAC 13P Rules approved by the commission effective on March 3, 2009.

As you know, revision of our EMS rules was a lengthy statewide consensus process conducted by a task force appointed by the Chairman of the EMS Advisory Council. Several areas were modified that will require EMS personnel, public officials, hospitals and EMS organizations regulated by these rules to carefully read and understand how the revisions may affect their system. For example, in the old rules there were several areas of regulatory responsibility assigned to the county government that, in the new rules, have been shifted back to the state level of authority. This was necessary because county governments were struggling to enforce areas in which several county attorneys questioned their statutory enforcement authority.



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Another example that reflects a significant change involves the repeal of the .0202 Model System rule. Because of objections raised by the Rules Review Commission, the repeal of the Model System rule became necessary. Instead, the OEMS will be working with the EMS Advisory Council to develop a Model System recognition program to be awarded by the OEMS to those counties which meet standards above the state's minimum requirements and will be defined by a sub-committee of the EMS Advisory Council.

Other changes include: removing the need for a technical scope of practice evaluation as a requirement for the renewal of an EMS credential; adopting a new rule for conducting criminal background checks for EMS credentialing; separating rotary wing and fixed wing specialty care programs into two separate rules, consolidating the ground specialty care transport program and hospital affiliated ground specialty care transport programs into one single rule, shifting the responsibility for the submission of patient care data away from the county EMS system, and moving it under the conditions for EMS provider licensing. There were also changes which expanded the agency's enforcement authority under .0701 and changes throughout the trauma rules in Sections .0900 and .1100. A more comprehensive summary of each change can be found in the "*Review of 10A NCAC 13P - 2009 EMS and Trauma Rules*" document (Attachment B).

Realizing the difficulty in transitioning to a revised set of regulatory standards, the OEMS will be working closely with our EMS partners over the next twelve months to fully implement these new rules. During this period, OEMS staff will be available to assist all local EMS systems and agencies to ensure a smooth transition, and to allow sufficient time for all of us to become familiar with using the new rules in our daily operations.

On behalf of all the OEMS staff, I want to thank all of those who participated in this important process. Should you have questions or need additional information, please contact your regional OEMS office.

cc: OEMS Staff