

- Requiring that Ambulance Service drivers maintain Emergency Medical Responder (“EMR”) certifications in addition to being current in CPR/AED.
- Modifying a provision to provide that BLS Ambulance Service Providers may have their license and/or permits revoked, placed on probation or suspended for consistently failing inspections, including failing to maintain the required equipment list. The Proposed Amendments also add provisions where discipline may be imposed for violating protocols, failing QA/QI programs, or for continuously failing to maintain safe and sanitary and properly equipped vehicles.
- Requiring any corrections to Patient Care Reports be made either by the EMT or their supervisors (with the EMT’s written approval).
- Adding requirements that Private Ambulance Providers have radios programmed to certain frequencies and that they receive related training.
- Combining and synthesizing various sections dealing with Primary and Secondary Ambulance Service Providers.
- Requiring sponsor signatures for initial Delaware EMT certification and reciprocity applications.
- Requiring EMT applicants to also ensure they have their Healthcare Provider Card and NREMT Certification card, in addition to other documentation when applying for a Delaware certification.
- Adding additional bases for Commission discipline, including, but not limited to: violations of contractual agreements to provide Ambulance Service; having three or more critical deficiencies in a 12-month period; having an NREMT

certification revoked; having related certifications revoked in other jurisdictions or in another Commission-regulated profession; where a physical or psychological limitation prevents an EMT from performing the essential functions of their job consistent with applicable law; and failure to report discipline from other jurisdictions.

- Adding categories of unprofessional misconduct, including abuse or misuse of drugs or alcohol and failure to participate in Commission investigations.
- Authorizing Commission confidential letters of concern where acts or omissions of an EMT are concerning even though a regulation or protocol may not have been violated.
- Permitting emergency, temporary suspensions of EMT certifications where there is a clear and immediate danger to the public health, safety or welfare.
- Adding a prohibition of reinstating an EMT certification where the EMT caused the certification to lapse to avoid a Commission investigation.
- Reducing the amount of time an EMT or Ambulance driver has to self-report an arrest or release from custody from 30 days to 10.
- Modifying and streamlining the procedures for conducting criminal background checks and retaining confidential criminal history information obtained through such checks.
- Making numerous other non-substantive changes to improve readability and consistency.

The Proposed Amendments to Regulation 710 were published in the Delaware Register of Regulations on January 1, 2020. A written comment period was held open

for thirty days, through February 1, 2020.

A public hearing was held on July 20, 2020, notice of which was published in the Delaware News Journal on June 23, 2020 and the Delaware State News on June 24, 2020.

At the hearing, the Commission accepted as evidence and marked the following exhibits:

Exhibit 1. Written comments from Jay Myers. Mr. Myers questioned charging permit fees for ambulances and the lack of reference to utilizing private ambulances (except in events of mass casualties and disasters). Mr. Myers also had a question regarding requiring EMR certifications for Ambulance drivers.

Exhibit 2. Written comments from Milton Fire Dept., Inc., opposing requiring EMR certification for Ambulance drivers.

Exhibit 3. Written comments from Ellendale Vol. Fire Co., Inc., supporting the Proposed Amendments with the exception of the EMR requirement.

Exhibit 4. Written comments from Laurel Fire Department, likewise opposing the EMR requirement.

Exhibit 5. Written comments from Seaford Volunteer Fire Department, Inc., opposing the EMR requirement.

Exhibit 6. Written comments from Rehoboth Beach Volunteer Fire Co., Inc., opposing the EMR requirement.

Exhibit 7. Written comments from Sussex County Fire Chiefs Association, opposing the EMR requirement.

Exhibit 8. Written comments from Dagsboro Volunteer Fire Department,

opposing the EMR requirement.

Exhibit 9. Written comments from Gumboro Volunteer Fire Co., opposing the EMR requirement.

Exhibit 10. Written comments from Mid-Sussex Rescue Squad, Inc., opposing the EMR requirement.

Exhibit 11. Written comments from Magnolia Volunteer Fire Company, Inc., opposing the EMR requirement.

Exhibit 12. Affidavit of publication of the June 23, 2020 Delaware News Journal publication of the notice of hearing.

Exhibit 13. Affidavit of the June 24, 2020 Delaware State News publication of the notice of the hearing.

Several other non-substantive suggested changes were also noted during the hearing:

- To add a definition for “PCR” – patient care report.
- To modify Section 7.2.1.3, to push back the date that all newly purchased, fabricated and remounted ambulance compartments be in conformity with NFPA 1917 Standard for Automotive Ambulances 2019 from June 1, 2020 to January 1, 2021. The Commission anticipated addressing the Proposed Amendments well before June 1, 2020, the original proposed deadline, but the final hearing was delayed due to the government shutdown and restrictions associated with the COVID-19 pandemic.
- To change “without” to “with” in proposed Section 14.4.1.15, so that

it reads: “Where physical or psychological limitations prevent the EMT from performing the essential functions of the job **with** reasonable accommodations, consistent with any applicable federal or state disability law; or”

- Amend Section 14.4.4.4 to not delete “impose any of the following sanctions” before the word “against.” This phrase was inadvertently deleted in the Proposed Amendments.

At the time of the public hearing, the Commission opened the hearing for public comment. There were no comments opposing any of the proposed change to Regulation 710 or any supporting or opposing any specific proposed changes.

The Commission also noted that it will hold the public comment period for a period of 15 days following the hearing, as required by the Administrative Procedures Act. Notice of this period was posted on the Commission’s website. The Commission received no new comments or filings with respect to the Proposed Amendments.

Summary of the findings of fact

Pursuant to discussions held during open public Commission meetings, and for the reasons set forth in the numerous filings opposing requiring Ambulance drivers to be EMR certified, the Commission will remove that proposed requirement. The Commission will also remove the proposed requirement to add an ambulance permit fee. The Commission removes these requirements without prejudice to reconsidering them at a later time.

The Commission also found that the non-substantive changes noted above, including moving back the 1917 NFPA 1917 standard to January 2021 made sense given the lapse of time between the publication of the Proposed Amendments and the time of the

hearing.

Decision of the Commission

With regard to the criticisms over adding the EMR requirement to Ambulance drivers, the Commission concludes that it should be eliminated from the Proposed Amendments.

With regard to the criticism regarding the Ambulance permit fee, the Commission determines to eliminate it until such time as legislation is enacted to permit such fees.


The technical, non-substantive changes suggested during the hearing and as mentioned above will also be made.

Therefore, the Commission adopts the Proposed Amendments to Regulation 710 as final, with the deletions and other non-substantive changes set forth in this Order. The final proposed amendments are reflected in Exhibit A hereto.


IT IS SO ORDERED, this 18th day of August, 2020 by the Commission:



Ronald Marvel, Chairman



Alan Robinson, Jr. Vice Chairman



Lynn Truitt



William Kelly

Joseph J. Leonetti, Sr.



Richard Perillo



Bill Betts