

1 10A NCAC 13P .1502 is proposed for amendment as follows:

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3 **10A NCAC 13P .1502 LICENSED EMS PROVIDERS**

4 (a) The OEMS shall deny an initial or renewal EMS Provider license for any of the following reasons:

- 5 (1) failure to comply, as defined in Rule .0102(45) of this Subchapter, with the applicable licensing
- 6 requirements as found in Rule .0204 of this Subchapter;
- 7 (2) making false statements or representations to the OEMS or willfully concealing information in
- 8 connection with an application for licensing;
- 9 (3) tampering with or falsifying any record used in the process of obtaining an initial license or in the
- 10 renewal of a license; or
- 11 (4) disclosing information as defined in Rule .0223 of this Subchapter, determined by OEMS staff
- 12 based upon review of documentation, to disqualify the applicant from licensing.

13 ~~(a)~~ (b) The Department shall amend any EMS Provider license by reducing it from a full license to a provisional

14 license whenever the Department finds that:

- 15 (1) the licensee failed to comply with the provisions of G.S. 131E, Article 7, and the rules adopted
- 16 under that article; and
- 17 (2) there is a ~~reasonable~~ probability that the licensee can ~~remedy the licensure deficiencies~~ take
- 18 corrective measures to resolve the issue of non-compliance with Rule .0204 of this Subchapter,
- 19 and be able thereafter to remain in compliance within a reasonable length of ~~time; and time~~ time
- 20 determined by OEMS staff.
- 21 (3) there is a ~~reasonable probability~~ probability, determined by OEMS staff using their professional
- 22 judgement based upon analysis of the licensee's ability to take corrective measures to resolve the
- 23 issue of non-compliance with the licensure rules, that the licensee will be able thereafter to remain
- 24 in compliance with the licensure ~~rules for the foreseeable future.~~ rules.

25 ~~(b)~~ (c) The Department shall give the licensee written notice of the amendment of the EMS Provider license. This

26 notice shall be given personally or by certified mail and shall set forth:

- 27 (1) the length of the provisional EMS Provider license;
- 28 (2) the factual allegations;
- 29 (3) the statutes or rules alleged to be violated; and
- 30 (4) notice of the EMS provider's right to a contested case ~~hearing~~ hearing, as set forth in Rule .1509 of
- 31 this Subchapter, on the amendment of the EMS Provider license.

32 ~~(c)~~ (d) The provisional EMS Provider license is effective ~~immediately~~ upon its receipt by the licensee and shall be

33 posted in a location at the primary business location of the EMS Provider, accessible to public view, in lieu of the

34 full license. ~~The~~ Pursuant to G.S. 131E-155.1(d), the provisional license remains in effect until the Department:

- 35 (1) restores the licensee to full licensure status; or
- 36 (2) revokes the licensee's license.

1 ~~(d)~~ (e) The Department shall revoke or suspend an EMS Provider license whenever the Department finds that the
2 licensee:

- 3 (1) failed to comply with the provisions of G.S. 131E, Article 7, and the rules adopted under that
4 article and it is not ~~reasonably~~ probable that the licensee can remedy the licensure deficiencies
5 within 12 months or less;
- 6 (2) failed to comply with the provisions of G.S. 131E, Article 7, and the rules adopted under that
7 Article and, although the licensee may be able to remedy the deficiencies, it is not ~~reasonably~~
8 probable that the licensee will be able to remain in compliance with licensure rules for the
9 foreseeable future;
- 10 (3) failed to comply with the provision of G.S. 131E, Article 7, and the rules adopted under that
11 article that endanger the health, safety or welfare of the patients cared for or transported by the
12 licensee;
- 13 (4) obtained or attempted to obtain an ambulance permit, EMS nontransporting vehicle permit, or
14 EMS Provider license through fraud or misrepresentation;
- 15 (5) ~~repeated~~ continues to repeat the same deficiencies placed on the EMS Provider License in
16 previous compliance site visits;
- 17 (6) ~~failed~~ has recurring failure to provide emergency medical care within the defined EMS service
18 area in a ~~timely~~ manner as determined by the EMS ~~System~~; System pursuant to G.S. 153A-250;
- 19 ~~(7)~~ failed to disclose or report information in accordance with Rule .0223 of this Subchapter;
- 20 (8) is deemed by OEMS to place the public at risk because the owner or any officer or agent is
21 convicted in any court of a crime involving fiduciary misconduct or a conviction of a felony;
- 22 ~~(7)~~ (9) altered, destroyed, attempted to destroy, withheld ~~withheld~~, or delayed release of evidence,
23 records, or documents needed for a complaint ~~investigation~~; investigation being conducted by the
24 OEMS; or
- 25 ~~(8)~~ (10) continues to operate within an EMS System after a Board of County Commissioners has
26 terminated its affiliation with the licensee, resulting in a violation of the licensing
27 requirement set forth in Rule 0204 (b)(1) of this Subchapter.

28 (f) The Department shall give the EMS Provider written notice of revocation. This notice shall be given personally
29 or by certified mail and shall set forth:

- 30 (1) the factual allegations;
- 31 (2) the statutes or rules alleged to be violated; and
- 32 (3) notice of the EMS Provider's right to a contested case hearing, as set forth in Rule .1509 of this
33 Section, on the revocation of the EMS Provider's license.

34 ~~(e)~~ (g) The issuance of a provisional EMS Provider license is not a procedural prerequisite to the revocation or
35 suspension of a license pursuant to Paragraph ~~(d)~~ (e) of this Rule.

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37 *History Note: Authority G.S. 131E-155.1(d); 143-508(d)(10);*

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Eff. January 1, 2013;

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February
2, ~~2016.~~ 2016;*

Amended Eff. January 1, 2017.