

10A NCAC 13P .1502 LICENSED EMS PROVIDERS

- (a) The OEMS shall deny an initial or renewal EMS Provider license for any of the following reasons:
- (1) significant failure to comply, as defined in Rule .0102(45) of this Subchapter, with the applicable licensing requirements in Rule .0204 of this Subchapter;
 - (2) making false statements or representations to the OEMS or willfully concealing information in connection with an application for licensing;
 - (3) tampering with or falsifying any record used in the process of obtaining an initial license or in the renewal of a license; or
 - (4) disclosing information as defined in Rule .0223 of this Subchapter that is determined by OEMS staff based upon review of documentation, to disqualify the applicant from licensing.
- (b) The Department shall amend any EMS Provider license by amending it to reduce the license from a full license to a provisional license whenever the Department finds that:
- (1) the licensee failed to comply with the provisions of G.S. 131E, Article 7, and the rules adopted under that Article;
 - (2) there is a probability that the licensee can take corrective measures to resolve the issue of non-compliance with Rule .0204 of this Subchapter, and be able thereafter to remain in compliance within a reasonable length of time determined by OEMS staff on a case-by-case basis; and
 - (3) there is a probability, determined by OEMS staff using their professional judgment, based upon analysis of the licensee's ability to take corrective measures to resolve the issue of non-compliance with the licensure rules, that the licensee will be able thereafter to remain in compliance with the licensure rules.
- (c) The Department shall give the licensee written notice of the amendment of the EMS Provider license. This notice shall be given personally or by certified mail and shall set forth:
- (1) the duration of the provisional EMS Provider license;
 - (2) the factual allegations;
 - (3) the statutes or rules alleged to be violated; and
 - (4) notice of the EMS provider's right to a contested case hearing, as set forth in Rule .1509 of this Subchapter, on the amendment of the EMS Provider license.
- (d) The provisional EMS Provider license is effective upon its receipt by the licensee and shall be posted in a location at the primary business location of the EMS Provider, accessible to public view, in lieu of the full license. Pursuant to G.S. 131E-155.1(d), the provisional license remains in effect until the Department:
- (1) restores the licensee to full licensure status; or
 - (2) revokes the licensee's license.
- (e) The Department shall revoke or suspend an EMS Provider license whenever the Department finds that the licensee:
- (1) failed to comply with the provisions of G.S. 131E, Article 7, and the rules adopted under that Article and it is not probable that the licensee can remedy the licensure deficiencies within 12 months or less;
 - (2) failed to comply with the provisions of G.S. 131E, Article 7, and the rules adopted under that Article and, although the licensee may be able to remedy the deficiencies, it is not probable that the licensee will be able to remain in compliance with licensure rules;
 - (3) failed to comply with the provision of G.S. 131E, Article 7, and the rules adopted under that Article that endanger the health, safety, or welfare of the patients cared for or transported by the licensee;
 - (4) obtained or attempted to obtain an ambulance permit, EMS nontransporting vehicle permit, or EMS Provider license through fraud or misrepresentation;
 - (5) continues to repeat the same deficiencies placed on the licensee in previous compliance site visits;
 - (6) has recurring failure to provide emergency medical care within the defined EMS service area in a manner as determined by the EMS System;
 - (7) failed to disclose or report information in accordance with Rule .0223 of this Subchapter;
 - (8) was deemed by OEMS to place the public at risk because the owner or any officer or agent was convicted in any court of a crime involving fiduciary misconduct or a conviction of a felony;
 - (9) altered, destroyed, attempted to destroy, withheld, or delayed release of evidence, records, or documents needed for a complaint investigation being conducted by the OEMS; or
 - (10) continues to operate within an EMS System after a Board of County Commissioners has terminated its affiliation with the licensee, resulting in a violation of the licensing requirement set forth in Rule .0204(a)(1) of this Subchapter.

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

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

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

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