

## Certification of Medical Rescue Agencies FAQ

### General Information Requests

For questions not addressed in this document, please call Charles Schroeder: 505-476-8246, or Charles Becvarik: 505-476-8247.

### Background

The purpose for the EMS Service Certification Program is to establish operational, health, medical, equipment and safety standards for EMS agencies not regulated by the Public Regulation Commission.

The statutory basis for the rule, NMAC 7.27.10 is from the EMS Act, Section 24-10B-4 (L) NMSA 1978; Bureau duties:

- L. adoption of rules for the administration of an emergency medical services certification program for emergency medical services;

The goals of the program are to establish minimum standards for each of the EMS agencies/entities that provide out-of-hospital care and treatment. These standards will be upheld through inspections, self reporting and compliance, and corrective action when necessary. The program will require a biennial application process and application fees.

**◆ Entities that are subject to this rule include medical rescue agencies, special event EMS agencies, and emergency medical dispatch agencies.**

### **What is classified as a Medical Rescue vehicle?**

A medical rescue is any vehicle that is routinely used for EMS first response. It may or may not be transport capable. Bicycles, motorcycles, ATV's or other specialty type vehicles will not be subject to the rule.

### **What is the difference between a transport capable and a non-transport capable medical rescue?**

**“Non-transport medical rescue vehicle”** means any EMS agency representative vehicle (motor vehicle or watercraft) that is not a privately owned vehicle and that carries EMS equipment that is not included in the EMS agency’s medical protocols to transport patients.

**“Transport capable medical rescue”** means any vehicle (motor vehicle or watercraft) that carries EMS protocols for transporting patients in a patient care compartment.

### **When is certification required for my agency?**

An EMS agency shall, prior to beginning emergency medical services operations within the state of New Mexico, obtain either a temporary or full emergency medical services certification from the Bureau.

### **Are there any agencies exempt from being required to be certified by the EMS Bureau?**

Yes. The following agencies are not subject to this rule:

- Ambulance services regulated by the NM Public Regulation Commission.
- Federal agencies and entities, including but not limited to the United States department of defense
- The New Mexico department of military affairs
- Tribal agencies and organizations that provide EMS services entirely within the boundaries of tribal lands – however, tribal agencies that wish to certify are welcome to participate in the process.
- An EMS agency from any state adjoining the state of New Mexico shall be exempt from this rule if that agency responds into New Mexico to assist in a mass casualty or disaster situation or if an agency response into New Mexico on an emergency mutual aid when requested to do so by the certified EMS agency whose service area includes areas along the mutual state line.

### **How long is the certification period?**

Certification periods are twenty-four months in length except for the initial period, which shall vary depending on scheduling and other issues. The subsequent period of certification shall be for a full twenty-four month period, regardless of the date of application for renewal or the date for processing of the renewal certificate. This period shall begin on January 1 of the renewal year.

### **How does a Medical Rescue Agency apply for certification?**

An EMS agency shall apply for certification using the approved application form, and shall provide completed and legible responses to every applicable element of the application form. The form is found on the EMS Bureau website at [www.nmems.org](http://www.nmems.org).

### **What is the process for initial certification?**

The Bureau will issue a temporary certification to an EMS agency for a period that will allow for a fully completed initial certification process, to include application, payment of appropriate fees, and an inspection. The application will guide you through the process and requirements for full certification.

Upon the Bureau’s approval of an EMS agency’s application for certification, the Bureau shall provide the EMS agency with a certificate which should be displayed and visible in the primary place of business for public view.

#### **EMERGENCY MEDICAL SYSTEMS BUREAU**

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### **What are the fees associated with applying for certification?**

Agencies with no more than 3 medical rescue vehicles are assessed \$100 per certification period;

Agencies with 4 - 10 medical rescue vehicles are assessed \$150 per certification period;

Agencies with more than 10 medical rescue vehicles will be assessed \$200 per certification period.

### **Must every vehicle have an inspection sticker?**

The Bureau is currently assessing the need for vehicle stickers and is not requiring them at this time.

### **Does my service have to participate in the EMS Bureau's data reporting system?**

Yes; certified EMS agencies are required to keep a patient care report on all encounters between any patient and a provider of medical care. Records may be stored electronically or as hard copies. Additionally, certified agencies must participate in and submit electronic reports to the New Mexico Emergency Medical Services Tracking and Reporting System ([www.nmemstars.org](http://www.nmemstars.org)).

### **Where are the agency's records required to be kept?**

An EMS agency shall maintain all required records at the agency's principal place of business within the state of New Mexico. All required records are subject to inspection by the Bureau and shall be maintained so that they are reasonably accessible.

### **What records need to be retained by the agency and for how long?**

An EMS agency shall at all times maintain current copies of the following records:

- medical protocols signed by the EMS agency's medical director;
- operation plans and standard operating procedures and guidelines for the EMS agency;
- rosters of EMS agency personnel;
- applications of EMS agency employees and other personnel;
- copies of certification and licensure documentation for all EMS agency personnel;
- HIPAA documentation for all EMS agency personnel;
- service area maps with global positioning system (GPS) coordinates of EMS agency stations;
- board of pharmacy clinic license and pharmacy license, if applicable;
- federal drug enforcement administration (DEA) license, if applicable;
- driver's license and driver certification copies for each employee / volunteer;
- an infection control policy
- Additionally, a medical rescue agency shall at all times maintain a current, valid copy of the title for each vehicle owned by the medical rescue agency. (this may be maintained by the fiscal agent)

### **How long must an agency retain records?**

An EMS agency other than special event EMS shall retain all adult medical records (including patient care reports) for at least **ten** years.

An EMS agency shall retain documents such as insurance, business licenses or governmental affiliation documents, vehicle maintenance records, professional agreements, and several other documents for a period of no less than **seven** years. Please refer to the rule @ 7.27.10.12 - I for the entire list documents to which this applies.

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### **Can Fire Department Bylaws be used in place of Standard Operating Guidelines?**

No; Fire Department Bylaws are adopted by a service to address the internal affairs of an organization; examples include elections, length of officer terms, and other issues; Standard Operating Guidelines & Procedures will address the policies and conduct related to the operations of the EMS service.

### **What is included in quality assurance documentation?**

“Quality assurance” means a retrospective review or inspection of EMS records to determine if appropriate care is being provided. An EMS agency shall implement a quality assurance program, which shall be planned, developed and implemented by the EMS agency’s medical director in a manner consistent with 7.27.3 NMAC (“Medical Direction for Emergency Medical Services”). The quality assurance program shall include review of documentation of patient care in a pre-determined set of circumstances to ensure a feedback and training loop for the EMS providers.

### **Does the agency need a consulting pharmacist and a Board of Pharmacy license?**

A First Responder or Basic level agency will need a consulting pharmacist and a Board of Pharmacy clinic license if they store, carry, and or administer any medications other than the following:

- Aspirin
- Acetaminophen
- Activated charcoal
- Glucose (Oral)
- Oxygen

Agencies performing care at the ILS and ALS level must have a consulting pharmacist and a Board of Pharmacy Clinic License.

*Agencies must meet all additional Board of Pharmacy requirements, including appropriately registering jump bags, storing of medications, etc. Please refer to the Board of Pharmacy rules for guidance.*

### **What should be included in an infection control policy?**

Recommendations for preventing and controlling infectious diseases and managing personnel health and safety concerns related to infection control in EMS field settings. Examples include the following:

- the use of universal precautions (PPE);
- work restrictions for health-care personnel infected with or occupationally exposed to infectious diseases;
- management of occupational exposures to blood borne pathogens, including post exposure prophylaxis for work exposures to hepatitis B virus (HBV), hepatitis C virus (HCV); and human immunodeficiency virus (HIV);
- selection and use of devices with features designed to prevent sharps injury;
- hand-hygiene products and surgical hand antisepsis;
- contact dermatitis and latex hypersensitivity;
- tuberculosis (TB);
- infection-control program evaluation

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**Is an EMS Agency required to conduct background checks of employees/volunteers?**

No. The requirement is that an EMS agency conducts criminal background checks of the agency personnel, only if requested by the Bureau. Generally, this would occur as part of an ongoing investigation. The EMS Bureau strongly recommends a common practice of criminal background checks on all individuals applying for volunteer or career EMS positions.

**What are the requirements for drivers of Medical Rescue Vehicles?**

Any person who regularly drives a certified medical rescue (transport or non-transport) vehicle shall:

- be at least 18 years of age;
- hold a valid New Mexico driver's license or equivalent out-of-state driver's license, equivalent to a class "D" or higher;
- be in compliance with Bureau requirements for an emergency vehicle operator's course;
- not have received a driving while intoxicated, driving under the influence, or reckless driving conviction within the past year;
- not be prohibited by law from driving without a breath alcohol ignition interlock device;
- not be prohibited by law from operating a motor vehicle for any other reason;
- annually provide to their EMS agency a copy of the person's motor vehicle driving record;

The agency shall validate and submit to the Bureau a list of all drivers authorized by the agency, together with the agency's annual report; additionally, all driver infractions resulting in the loss or potential loss of driving privileges shall be reported to the Bureau.

**What are the staffing requirements for a rescue vehicle?**

When a medical rescue agency responds to a call, at least one licensed EMS provider from the agency shall be present on scene of that an emergency. If a medical rescue agency needs to transport, one licensed provider must be in the patient treatment compartment during treatment and transport. Personnel that drive the transport capable vehicle do not necessarily need to have an EMS caregiver license, but must meet all other driving requirements. Also, personnel (firefighters with first aid training, etc) may accompany and assist with patient care commensurate with their level of training, subject to the policies of the EMS agency.

**Does the agency need to hold mutual aid plans with other agencies?**

All medical rescue agencies (transport and non-transport) shall develop mutual aid plans with appropriate EMS agencies and PRC regulated ambulance services.

**What professional contracts need to be held by the EMS Agency?**

Medical direction and consulting pharmacist, if applicable

**How often will Bureau inspections be conducted?**

Inspections or audits of an EMS agency shall be conducted and reviewed by the Bureau or the Bureau's agent(s). The Bureau or Bureau designees may conduct on-site inspections or audits of an EMS agency at any time, at the Bureau's discretion. Bureau inspections, investigations, or audits of an EMS agency may be conducted with or without notice.

**Can you describe a sample agenda for an inspection?**

Certification inspections will almost always be a scheduled event. During the communication planning the inspection, the inspector should be able to prepare you as to what the inspection will entail.

Generally speaking:

- The compliance inspector will show up (either announced or unannounced) at the location of the physical address listed in the provider data on your certification application.
- The compliance inspector will identify themselves and ask to see the EMS Director.

**The following documentation will be reviewed and a sample may be pulled at the discretion of the compliance inspector:**

- Personnel records including EMS licensure, current motor vehicle and driver's license record.
- Vehicle documentation, service and facility records and licenses.
- Medical Director, medical protocols, operations protocols and Consulting Pharmacist documentation.
- Storage and security of records.
- Medical supplies and controlled substances.
- Vehicle inspections.

Corrective action (if necessary) will be discussed and provided in writing.

**Will the EMS Bureau inspect every vehicle in the agency's fleet?**

It is the goal of the program to inspect all vehicles, but personnel and time limitations may preclude a service from having every vehicle in their fleet inspected. In some cases, inspectors may be asking to see a random sample of vehicles. Maintenance logs of ALL vehicles are required.

**What kind of vehicle maintenance is required for the agencies fleet?**

Almost all of the vehicles subject to this rule are owned and operated by public entities. The public deserves and expects that the vehicles are maintained and safe when responding to their calls for assistance. The public (and small number of private) entities subject to this rule should assure the systematic inspection, repair, and maintenance all motor vehicles subject to its control. Language from the US DOT Federal Motor Carrier Administration is as follows:

- Parts and accessories shall be in safe and proper operating condition at all times. These include those specified in Part 393 of this subchapter and any additional parts and accessories which may affect safety of operation, including but not limited to, frame and frame assemblies, suspension systems, axles and attaching parts, wheels and rims, and steering systems.

**Please identify what kind of annual safety inspection is required for the agencies vehicles, and what is a “certified” mechanic?**

The safety inspection must conform to the US DOT Federal Motor Carrier Administration Rule Part 396. The mechanic should carry a certification such as ASE (Automotive Service Excellence) or EVT (Emergency Vehicle Technician), or a certification from a manufacturer, such as Ford or General Motors. If there are absolutely no mechanics that have acceptable certifications available to your service, please contact the EMS Bureau for guidance.

**What kind equipment is required to be on the medical rescue vehicle?**

All medical rescue agencies shall stock their response equipment and vehicles commensurate to their approved treatment guidelines/protocols approved by their medical director. Supplies shall be maintained in sufficient quantities to assure the safe and adequate provision of emergency medical services in response to one or multiple incidents.

**Are hydraulic extrication tools required for each Medical Rescue vehicle?**

No. However, each medical rescue should have minimal tools to gain access to entrapped patients and to perform stabilization/extrication from a vehicle. Examples include a glass punch, webbing, chock blocks, and a sledge hammer and/or halligan tool.

**How long will the Bureau allow the remedying of deficiencies?**

Typically, if the deficiency cannot be corrected during the initial inspection a 30 day period will be allowed to correct the deficiency prior to a follow-up inspection.

**How can one report a complaint against an EMS Agency?**

Any person may communicate a written complaint or knowledge of an incident concerning an EMS agency or applicant to the Bureau. Complaints shall be submitted in signed, written form to the Bureau as soon as practical. The complaint form is on the EMS Bureau's website at [www.nmems.org](http://www.nmems.org).

**What do the fees cover?**

Per the Certification Rule, certification fees collected by the Bureau under this rule shall be used expressly to improve the EMS system.

**What happens if an agency fails an inspection?**

If an inspection is failed, deficiencies are noted and the EMS Agency is given 30 days to correct the deficiencies prior to a follow-up inspection. If the deficiency is still not corrected the compliance inspector will include the issue in the inspection report and send it to the EMS Bureau to determine if disciplinary action is warranted. If action is warranted, the EMS Agency will go through an administrative process to determine what sanctions, if any, are warranted in the case.

**EMS Bureau Contacts**

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