

NEW JERSEY REGISTER
VOLUME 36, NUMBER 12
MONDAY, **JUNE 21, 2004**
RULE ADOPTION
HEALTH AND SENIOR SERVICE
EMERGENCY MEDICAL SERVICES
EMERGENCY MEDICAL TECHNICIAN-BASICS: TRAINING AND CERTIFICATION

Adopted New Rules: N.J.A.C. 8:40A

Proposed: May 19, 2003 at 35 N.J.R. 2043(a).

Adopted: May 19, **2004** by Clifton R. Lacy, M.D., Commissioner, Department of Health and Senior Services.

Filed: May 19, **2004** with substantive and technical changes not requiring additional public notice or comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 26:2K-39 through 47 and 54 through 62.

Effective Date: **June 21, 2004**.

Expiration Date: **June 21, 2009**.

Summary of Public Comments and Agency Responses:

The Department accepted comments on the proposal through July 18, 2003. The following persons submitted written comments in a timely manner:

1. Kenneth Lavelle, NREMT-P, Emergency Training and Consulting, Sewell, NJ
2. The following members of the Kingwood Township First Aid and Rescue Squad submitted separate but identical letters of comment
 - a) Mr. Warren C. Compton
 - b) Ms Angela Snyder
 - c) Catherine Cobb, **EMT**
 - d) Mr. Vincent A. Campiglia
 - e) Thomas Leone, **EMT**
 - f) Robert Binder, **EMT**
 - g) Tracy Leone, **EMT**
 - h) Tammy Bishop, **EMT**
 - i) Ms Carolyn Compton
 - j) Ms Rachel Kovacs
 - k) Mr. David Bishop
3. Stephen Luettchau, Vice President, 1st District, New Jersey State First Aid Council, Bradley Beach, NJ
4. Howard Meyer, Chairman, Legislative Committee, New Jersey State First Aid Council, Summit, NJ

5. Mr. Robert Helfrich, Belvidere, NJ
6. Ross Herbert, 1st Lieutenant, Closter Volunteer Ambulance and Rescue Corps, Inc., Closter, NJ
7. John Butterweck, 1st Lieutenant/Training Officer/Head Delegate New Jersey State First Aid Council, Morganville First Aid and Rescue Squad, Morganville, NJ
8. Michael Alessi, MICP, Secaucus, NJ
9. Alison Hanabergh Wallin, BS Ed, **EMT-B**, RDMS, Cresskill Volunteer Ambulance Corps, Demarest, NJ
10. Paula Weiler, Training Officer, Englewood Volunteer Ambulance Corps, Inc., Lead **EMT**-Instructor, Law and Public Safety Institute, EMS Academy, Englewood, NJ
11. Kevin R. Brennan, **EMT-B**, Westwood Volunteer Ambulance Corps, Inc., Westwood, NJ
12. Mary Beth Ray-Simone, VP & Director EMS, Jersey City Medical Center, Jersey City, NJ
13. Paul Malarcher, Training Sergeant, Branchburg Rescue Squad, Somerville, NJ
14. Peter Harvey, Attorney General, New Jersey Department of Law and Public Safety, Trenton, NJ
15. Steven C. Ahlstedt, Coordinator, Law and Public Safety Institute, Emergency Medical Services Academy, Mahwah, NJ
16. Frederick L. Steinkopf, President, New Jersey State First Aid Council, Bernardsville, NJ
17. C. David Gwin, Chief, Hillsborough Emergency Medical Services, Hillsborough Township, NJ
18. Charles Kaczmariski, MICP, Executive Director, Hammonton Rescue Squad, Inc., Hammonton, NJ
19. David M. Shotwell, Jr., Esq., Ocean Grove, NJ
20. Richard J. Donovan, Director, Atlantic Ambulance Corporation
21. Michael D. Panté NREMT-P, MICP, EMS Educator

The timely submitted comments and the Department's responses are summarized below. The numbers in parentheses after each comment identify the respective commenter(s) listed above.

1. COMMENT: Because the rules define "basic life support ambulance" as a vehicle that is licensed by the Department, they should also define the term "volunteer" ambulance. (3, 4, 5, 9, 11)

RESPONSE: The Department disagrees. N.J.A.C. 8:40A-1.3 does not contain a definition of "volunteer ambulance" because the proposed new rules would apply to licensed ambulances. Volunteer ambulances are not subject to this chapter and there is no need to define a term that is not used in the text of the rules.

2. COMMENT: The definition of "volunteer ambulance, first aid or rescue squad member" should be changed to require the signature of two of the top four

supervising or operational officers to confirm that an individual is indeed a squad member, rather than the signature of the chief supervising officer alone. The Department should not have changed the definition used in the previous version of N.J.A.C. 8:40A, under which any one of several squad officers could have confirmed the membership of any given individual. (3, 4, 7, 9, 11)

RESPONSE: The Department disagrees. The Department proposed no amendment to the definition of "volunteer ambulance, first aid or rescue squad member" as it appeared in expired N.J.A.C. 8:40A-1.3. The Department believes that requiring two of the top four supervising or operational officers to attest that an individual is a squad member would be unduly burdensome for individuals and squad officers alike. The commenters are not correct that any one of several squad officers could have confirmed the membership of any given individual under expired N.J.A.C. 8:40A-1.3. Under expired N.J.A.C. 8:40A-1.3 and the proposed new rule, the definition required and would require that the chief supervising officer to confirm squad membership.

3. COMMENT: It is not necessary to define both of the following terms: "EMT Statewide Faculty" and "State EMT Faculty." (4, 5, 9, 11)

RESPONSE: The Department agrees. The Department unintentionally proposed and published inconsistent definitions for both "EMT Statewide Faculty" and "State EMT Faculty." The proposed definition of "State EMT faculty" provides the correct definition; however, the proper nomenclature for this definition is "EMT-B Statewide Faculty." The Department will amend proposed N.J.A.C. 8:40A-1.3 upon adoption to delete the proposed definitions of "EMT Statewide Faculty" and "State EMT Faculty" and to add a definition of the term "EMT-B Statewide Faculty," the text of which will track the proposed definition of "State EMT Faculty." The Department will delete references throughout the rule to the terms "EMT Statewide Faculty" and "State EMT Faculty" and replace them with the term "EMT-B Statewide Faculty."

4. COMMENT: There is no definition for "pre-hospital care giver" or "relaxed EMT" in the regulations, and there should be based on the discussions of these terms in the Summary section. (9)

RESPONSE: The Department unintentionally discussed the term "pre-hospital care giver" in the Summary as a term to be defined at proposed N.J.A.C. 8:40A-1.3. Inasmuch as the term does not appear in the rule text, no change upon proposal is necessary.

The Department did not propose to define the phrase "relaxed EMT." The Department used the phrase in the Summary at the discussion of Subchapter 7, proposed N.J.A.C. 8:40A-7.2(b), which would specify the conditions under which advanced practice nurses and other health professionals would be partially "grandfathered" into qualification for EMT-Basic certification by virtue of their training in the nursing or other health profession.

5. COMMENT: Use of the word "events" in the definition of the term "AED" at N.J.A.C. 8:40A-1.3 is confusing. This term should be replaced with the term "electrical rhythms" for clarity. (5)

RESPONSE: The Department disagrees. While the term "events" does refer primarily to electrical rhythms, depending upon the model of AED in question, other "events" may be recorded, such as time of pause for a pulse check or time when the AED was activated or deactivated. The term "events" is widely used and accepted in the EMS industry, and in numerous standardized journals and texts, and is appropriate for use in this definition.

6. COMMENT: The term "evaluator" is defined at N.J.A.C. 8:40A-1.3, but is not used in the body of the regulations. (4, 5, 11, 12)

RESPONSE: The term "evaluator" was unintentionally defined at N.J.A.C.

8:40-1.3. The Department will amend N.J.A.C. 8:40A-1.3 upon adoption to delete this term and its definition.

7. COMMENT: Under the proposed definition of "certificate of need," a new volunteer squad would have to apply to the Department for a certificate of need (CN) prior to rendering services. (5) The definition of certificate of need should be removed from the rules upon adoption because training centers do not need a certificate of need. (4, 11)

RESPONSE: A certificate of need is not required for volunteer squads. Therefore, a new volunteer squad would not have to apply to the Department to obtain one prior to rendering services. The Department disagrees that the definition of "certificate of need" should be removed from the rules upon adoption. The definition of is necessary to make the definition of "mobile intensive care hospital," which refers to the certificate of need process, readily understandable.

8. COMMENT: The Department should not consider acceptance into a pre-trial intervention (PTI) or other diversionary program to be grounds for refusing to certify or re-certify individuals as **EMTs** or **EMT**-Instructors. (5)

RESPONSE: The Department will reconsider whether the fact of an individual's participation in PTI or other diversionary program should have an impact on their eligibility for certification or recertification by studying such factors as the circumstances under which a person is eligible to be referred to PTI or other diversionary program, and how other states have treated participation in PTI or other diversionary programs with respect to licensing and certification status. The Department invites interested persons to submit studies or other information relative to this issue to the OEMS for consideration.

For purposes of the proposed new rules, the Department has determined to exercise its enforcement discretion to deny licenses and certifications based on acceptance into a PTI or other diversionary program.

9. COMMENT: Does the New Jersey Core 13 curriculum include the "entire" United States Department of Transportation National Standard Curriculum? (5)

RESPONSE: The New Jersey Core 13 curriculum includes the entire United States Department of Transportation National Standard Curriculum.

10. COMMENT: The definitions of "mobile intensive care hospital" and of "mobile intensive care program" should be combined because they are duplicative. (5)

RESPONSE: The Department disagrees. The definitions of mobile intensive care hospital and mobile intensive care program at N.J.A.C. 8:40A-1.3 contain distinct concepts and are not duplicative. Each is a term of art in the industry. A mobile intensive care program is defined as a program, "operated by a mobile intensive care hospital." A mobile intensive care hospital is "a general hospital authorized . . . to develop and maintain a mobile intensive care program. . . ." As such, a mobile intensive care program is operated by a mobile intensive care hospital, but a mobile intensive care program is not the same thing as a mobile intensive care hospital. Accordingly, the definitions cannot be combined.

11. COMMENT: The definition of "**EMT**-B Statewide Faculty" should be amended to require members that are recommended by the New Jersey State First Aid Council. In addition, terms of service should be fixed rather than be dependent upon and at the pleasure of the Department. (4, 11)

RESPONSE: The Department disagrees. Members of the **EMT**-B Statewide Faculty are selected based upon their expertise in specific subject matter, in the education of the adult student, and in the delivery of emergency medical services. Faculty members may be needed by the Department to advise on specific

matters for either short or long term projects. Therefore, it is necessary for appointments to be made in the sole discretion of the Department and for terms of service to be variable based upon the needs of the Department.

12. COMMENT: There should be a time limit within which DHSS must respond to a waiver request or the waiver will be granted automatically. Similarly, there should be a deadline with respect to which the sponsor of a course must apply for a waiver from the Department. (3, 4, 11)

RESPONSE: The Department disagrees. The proposed new rules would ensure the health and safety of the public. A request for a waiver seeks to avoid application of a rule. Therefore, the Department must carefully consider such a request. Accordingly, it would not be in the best interest of the public health and safety to grant automatically waivers if they are not decided upon within a certain period. Since the waiver process exists to provide relief to parties under unusual and unpredictable circumstances, it is not possible to pre-determine a deadline by which a requesting party must file for a waiver.

13. COMMENT: Not-for-profit entities, both BLS and ALS, should be eligible for funding under the **EMT** Training Fund Act. (12)

RESPONSE: The New Jersey Attorney General has advised the Department that the **EMT** Training Fund Act at N.J.S.A. 26:2K-54 et seq., allows only members or prospective members of volunteer first aid and rescue squads to access the fund. The Department is not authorized to rulemake the provision suggested by the commenter.

14. COMMENT: By using the phrase "subject to available fund balances" at N.J.A.C. 8:40A-2.2(b), the Department is seeking to remove any responsibility on its part to ensure that the **EMT** Training Fund remains solvent. (3, 4, 11)

RESPONSE: The Department disagrees. In using the phrase "subject to available fund balances," the Department intended no commentary on responsibility for fund solvency. The phrase cited by the commenters reflects that N.J.S.A. 26:2K-57 authorizes the Commissioner to make reimbursement from the **EMT** Training Fund "within the limits of those monies in the fund."

15. COMMENT: If the required paperwork is submitted to the Department within 30 days after a class has ended, then the Department should be required to issue reimbursement funds within 30 days. (19)

RESPONSE: The Department promptly processes completed vouchers necessary to generate issuance of reimbursement funds upon receipt of supporting documentation. Upon conclusion of the Department's review of the documentation, the Department authorizes a payment request to the Department of the Treasury, which thereupon issues and mails checks in the ordinary course, pursuant to N.J.S.A. 26:2K-56, and in accordance with applicable requirements of the New Jersey Prompt Payment Act, N.J.S.A. 52:32-32 et seq. The requirement suggested by the commenter would have an impact on the operations of the Department of the Treasury. The Department is without authority to promulgate rules governing the operations of the Department of the Treasury.

16. COMMENT: Training agencies that solely conduct continuing education programs would have to meet the stringent requirements of an **EMT**-Basic training program. As proposed, it appears that N.J.A.C. 8:40A-3.1 through 3.3 and 4.1 through 4.6 would apply to an agency that solely conducts continuing education programs. These more stringent requirements will reduce the number of continuing education programs and have a negative impact on their availability to **EMTs**. (13, 16, 17)

RESPONSE: The Department agrees. The Department intended to combine the requirements for both **EMT**-Basic and continuing education programs into proposed Subchapters 3 and 4; however, upon further review, this would not simplify the

requirements as originally intended. In order to relieve the burdens that these rules would impose on continuing education programs, the Department will amend proposed N.J.A.C. 8:40A-3.1 upon adoption to delete the word "basic" from the section heading, and will insert the term "EMT-Basic" at N.J.A.C. 8:40A-3.1(b) to articulate that N.J.A.C. 8:40A-3.1(b) applies to EMT-Basic training agencies only.

EMT-Basic and continuing education programs are fundamentally different. EMT-Basic training programs address the concerns of new students seeking initial certification. Continuing education programs address different concerns of practicing EMT-Basics who seek either to expand upon their knowledge through the study of advanced material or to refresh their EMT-Basic skills in preparing to meet recertification requirements. The Department did not intend to require continuing education programs to hire a program director, a program coordinator or a program medical advisor.

The Department will add new subsection N.J.A.C. 8:40-3.1(c) upon adoption, to provide that "Applications for certification of continuing education programs shall meet the requirements of N.J.A.C. 8:40A-9.3." This will establish that applications for certification of a continuing education program must meet the requirements set forth at N.J.A.C. 8:40A-9.3.

The Department will amend proposed N.J.A.C. 8:40A-3.1(e), to be recodified upon adoption as (f), upon adoption to insert the phrase, "an EMT-Basic course" to make clear that the Department will render a decision on EMT-Basic course applications within 90 days from the date that the Department deems the application complete. In addition, the Department will amend the subchapter heading of Subchapter 4 to be "Basic Training Agency Personnel" in order to indicate that Subchapter 4 applies to EMT-Basic training agencies only.

17. COMMENT: The New Jersey State First Aid Council should be included as part of the EMT-Basic course site visit team identified at N.J.A.C. 8:40A-3.2. (2, 3, 4, 7, 11, 16) The Department should change the word "may" to "shall" concerning whether the Department must conduct site visits. (16)

RESPONSE: Experience has shown that attempting to coordinate a site visit team consisting of representatives of the EMT-B Statewide Faculty, the New Jersey State First Aid Council and the Department has been burdensome, time consuming and sometimes unworkable. This difficulty has resulted in multiple delays of course site approvals. Accordingly, the Department declines to adopt the suggestion of the commenters.

The Department has been visiting and plans to continue to visit all prospective EMT-Basic training sites, in addition to its conduct of periodic and unannounced site visits of both EMT-Basic and continuing education training sites. The Department will amend proposed N.J.A.C. 8:40A-3.2(a) upon adoption to reflect that Department staff, accompanied by a member of the EMT-B Statewide Faculty, shall conduct site visits of all prospective EMT-Basic training sites, and that Department staff and/or a member of the EMT-B Statewide Faculty may conduct site visits of prospective continuing education sites.

The Department does not believe mandating visits prior to approval of continuing education course site locations would be an appropriate use of resources, and declines to mandate preapproval site visits to continuing education training sites.

Proposed N.J.A.C. 8:40A-3.2(e) would require the Department to visit all EMT-Basic sites at least once every three years. In addition, the Department may conduct unannounced site visits. The Department will amend proposed N.J.A.C. 8:40A-3.2(e) to reflect that in addition to Department staff, members of the EMT-B Statewide Faculty may also conduct unannounced site

visits.

18. COMMENT: The "additional Information" referred to in N.J.A.C. 8:40A-3.2(b) should be more clearly defined. (3, 4, 11)

RESPONSE: The Department disagrees. Due to the wide range of possible approval issues that could arise in the course of a site visit, it is impossible to determine with any acceptable degree of certainty what additional information a site may be required to submit to the Department.

19. COMMENT: One commenter stated that he was concerned about "overlapping course sites." The commenter stated that the Department should regulate the distance between course sites. The commenter does not propose what this distance should be. (7)

RESPONSE: The Department disagrees. The Department regularly receives a large volume of requests from prospective students, particularly within the volunteer community, seeking additional course sites and a greater variety of course offerings. The Department is aware that volunteers seeking to certify or recertify their **EMT** status often travel considerable distances to take classes. The Department believes that restrictions on the location of course sites as suggested by the commenter would be unduly burdensome to volunteers seeking to earn or maintain their certifications.

20. COMMENT: The words "adequate" and "satisfactory" as used in N.J.A.C. 8:40A-3.3 are vague and need to be clarified. (4, 11)

RESPONSE: The Department agrees. Proposed N.J.A.C. 8:40A-3.3(a)3 would require training agencies to maintain "adequate" personnel, facilities, resources, finances, and the like. Proposed N.J.A.C. 8:40A-3.3(a)8 would require training agencies to demonstrate "satisfactory" student performance scores. These terms are unclear. The Department will amend proposed N.J.A.C. 8:40A-3.3(a)3 and 8 upon adoption to delete the words "adequate" and "satisfactory" and to replace them with the words "required" and "passing," respectively. The word "required" would refer to any requirement in these rules or an applicable statute. The word "passing" would refer to the level of performance required on the NREMT-Basic Certification Examination.

21. COMMENT: There is no need to raise the experience prerequisite to serve as a program coordinator at N.J.A.C. 8:40A-4.2(b)2 to three years when two years proved adequate under the expired regulations. There is no reason to prohibit a program coordinator from functioning as the program director. (4, 11) The term, "sponsor" as used in proposed N.J.A.C. 8:40A-4.2(a) needs to be clarified. (13)

RESPONSE: The Department has determined that it is more beneficial for prospective program coordinators to have a minimum of one full certification cycle (three years) of experience as an **EMT**-Instructor prior to becoming a program coordinator than it is to have only two years of experience. If a prospective program coordinator were a new **EMT**-Instructor, the proposed new rule would ensure that a candidate would maintain certification for at least three years following acceptance of a program coordinator position. The Department has determined not to permit program coordinators to function simultaneously as program directors so that students have more than one person to approach with any issues, questions or concerns in connection with a program. The proposed new rules would not prohibit program coordinators or directors from having an active role in the program as instructors. The Department agrees that the term "sponsor" may not be clear. Therefore, the Department will amend proposed N.J.A.C. 8:40A-4.2(a) upon adoption to insert the word "course" before "sponsor" to emphasize that "sponsor" refers to the course sponsor.

22. COMMENT: The requirements to be an emergency physician should be listed in the regulation, rather than incorporating N.J.A.C. 8:43G-12.3 by reference.

(1)

RESPONSE: The Office of Emergency Medical Services does not have the authority and does not intend to establish requirements for emergency department staff qualifications at proposed N.J.A.C. 8:40A-4.3(a)2. These requirements already exist at N.J.A.C. 8:43G-12.3. Pursuant to N.J.S.A. 26:2H-5, the Commissioner has jurisdiction to establish these requirements in consultation with the Health Care Administration Board. The Department intended for reference to these rules to include subsequent amendments to existing N.J.A.C. 8:43G-12.3. Therefore, the Department will amend proposed N.J.A.C. 8:40A-4.3(a)2 upon adoption to provide that the reference be to N.J.A.C. 8:43G-12.3 "as amended and supplemented."

23. COMMENT: There appears to be a line missing from N.J.A.C. 8:40A-4.4. (5, 10, 15)

RESPONSE: Upon information and belief, the commenters are referring to an error contained in an unofficial copy of the proposal. The error was corrected on publication of the proposal at 35 N.J.R. 2043(a) (May 19, 2003).

COMMENT: We support requiring programs to recruit and utilize **EMT**-Instructor Aides. It is not clear from N.J.A.C. 8:40A-4.6 whether failure to recruit them after a good faith effort will result in the stoppage of training programs even if there are a sufficient number of **EMT**-Instructors to hold classes. (3, 4, 11, 19) Other qualification requirements for **EMT**-Instructor Aides should be listed, such as minimum age and experience as a certified **EMT**. (12)

RESPONSE: The Department agrees. The Department will amend proposed N.J.A.C. 8:40A-4.6 upon adoption to delete the phrase "recruit and" to articulate that failure to recruit **EMT**-Instructor Aides will not result in disciplinary action by the Department. The Department does not agree that additional requirements for this position should be listed at N.J.A.C. 8:40A-4.6 because the Department has defined the term "**EMT**-Instructor Aide" at N.J.A.C. 8:40A-1.3.

24. COMMENT: The phrase "Basic Training Program" appears to refer to initial certification programs rather than re-certification programs. The distinction between the two needs further clarification. (13)

RESPONSE: The Department disagrees. The phrase "Basic Training Program" is a term commonly used in the EMS industry and in the program curriculum to designate an initial certification program. The term "re-certification program" is also commonly used in the EMS industry to designate either a refresher course or continuing education course. For these reasons, the Department has determined that further clarification is unnecessary.

25. COMMENT: The availability of counseling, tuition, and fee information is a welcome addition to the rules. (5)

RESPONSE: The Department appreciates the commenter's support of the rules.

26. COMMENT: There is a typographical error at N.J.A.C. 8:40A-5.2(b)4 where the term "Treasury Taxation" appears and the context indicates that the Department probably intended the number "18" to indicate age. (15, 16, 20)

RESPONSE: Upon information and belief, the commenters are referring to an error contained in an unofficial copy of the proposal. The error was corrected on publication of the proposal at 35 N.J.R. 2043(a) (May 19, 2003).

27. N.J.A.C. 8:40A-5.2(e) refers to N.J.A.C. 8:40A-5.2(b)5, which does not exist, requiring a correction. (13)

RESPONSE: The Department will amend N.J.A.C. 8:40A-5.2(e) upon adoption to delete reference to paragraph (b)5 and to add reference to N.J.A.C. 8:40A-

5.2(c).

28. COMMENT: Students who miss three consecutive classes should not automatically be expelled and forced to apply for the next available **EMT**-Basic training course. (2, 3, 4, 7, 10, 11, 15) It will not be possible for many students to make up a missed class within three months because most training sites only offer two **EMT**-Basic courses per year. The rule should permit the student to make up the missed class within six months. (2, 15)

RESPONSE: The Department agrees that expulsion should not be automatic and that the three-month time limit should be extended. The Department will amend proposed N.J.A.C. 8:40A-5.3(c) upon adoption to change the word "shall" to "may" and to delete the second use of the word "shall," to indicate that expulsion under this subsection is discretionary.

The Department acknowledges the concerns of the commenters in connection with making up missed classes. However, many **EMT**-Basic course sponsors offer more than two **EMT**-Basic courses per year, and make-up sessions are offered frequently within the same course through supplemental instruction. It is educationally unsound to make up a single session six months after the rest of the course has been completed and students must be given a sound education in order to pass the NREMT-Basic certification examination. The Department believes that a length of time shorter than six months will both allow more flexibility in the scheduling of make-up classes and ensure that students retain the subject matter of prior courses in order to pass the NREMT-Basic certification examination. Therefore, the Department will amend N.J.A.C. 8:40A-5.3(b) upon adoption to extend the three-month make-up requirement to 120 days.

29. COMMENT: The Department should amend N.J.A.C. 8:40A-5.5(a)2 to require the Department to provide a written explanation as to why a training program was not approved. It is unreasonable to expect a training program to be capable of verifying that an AED instructor has one year of pre-hospital EMS experience as required by N.J.A.C. 8:40A-5.5(b)1vi. (3, 4, 11) It is unclear whether a certification card or an instructor card is required by N.J.A.C. 8:40A-5.5(b)1vi. (20)

RESPONSE: The Department intends to provide a written explanation when returning an application to an applicant. The Department will amend proposed N.J.A.C. 8:40A-5.5(a)2 upon adoption to specify that the OEMS will provide a written explanation in returning an application to an applicant. The Department will delete proposed N.J.A.C. 8:40A-5.5(b)1vi upon adoption because the United States Department of Transportation incorporated AED instruction into the core curriculum of the USDOT **EMT**-Basic National Standards Curriculum, which the Department proposed to adopt as the curriculum for all **EMT**-Basic training programs conducted in New Jersey. See proposed N.J.A.C. 8:40A-1.3, definition of "program curriculum," and proposed N.J.A.C. 8:40A-5.8(a). This will moot the commenters' concerns regarding verification of instructor experience and certification credentials.

30. COMMENT: It is not necessary to require submission of a copy of the proposed final examination with the application as required by N.J.A.C. 8:40A-5.5(b)6 since the NREMT test is now the final examination. (5)

RESPONSE: Proposed N.J.A.C. 8:40A-5.5(b)6 would require submission of either a copy of the examination or a description of the examination. The rule would permit the commenter to elect to submit either a description of the NREMT-Basic certification examination or a copy of the examination itself. The Department intended for proposed N.J.A.C. 8:40A-5.5(b)6 to apply not only to final examinations, but also to individual module examinations taken during the **EMT**-Basic training course if the training agency proposes to administer examinations after each module in the application for certification. The Department will amend proposed N.J.A.C. 8:40A-5.5(b)6 upon adoption to require submission of "A copy or description of the final examination, and any

pre-final examination module examinations, as applicable, if certification is to be based on applicants' scores on modular examinations instead of or in addition to applicants' scores on final examinations."

COMMENT: The required **EMT**-Instructor to student ratio of 1:6 limits the number of **EMT**-Basic programs that can be conducted and results in many prospective students being turned away. (4, 11)

RESPONSE: The Department has not received any indication from **EMT**-Basic course sites that the 1:6 **EMT**-Instructor to student ratio that existed in the expired rules being responsible for students being turned away from **EMT**-Basic programs. The United States Department of Transportation National Standard Curriculum for **EMT**-Basics recommends a 1:6 **EMT**-Instructor to student ratio. The Department has determined to adopt this ratio as proposed at N.J.A.C. 8:40A-5.6(a)5 to ensure quality instruction.

31. COMMENT: The requirement that a person must successfully complete each of the seven training modules before moving on to the next consecutive module, with the provision that the student be permitted to re-test after remediation, makes the remediation process unwieldy; therefore, this subsection should be revamped. (16, 20) The Department should require the 10 hours of clinical experience to be completed in an emergency department. The optional five hours of clinical experience aboard an MICU should be in addition to the 10 hours of required clinical experience in an emergency department, not included as part of the required 10 hours of clinical experience. (20)

RESPONSE: The Department disagrees that the remediation process needs to be changed. Proposed N.J.A.C. 8:40A-5.8(a) would adopt and incorporate by reference the U.S.D.O.T. **EMT**-Basic National Standards Curriculum as the curriculum for the State of New Jersey. The modules of the **EMT**-Basic curriculum are formulated to build upon the instruction and learning of the previous modules. Therefore, the student must demonstrate a minimum competency at the end of each module in order to progress in the program. The student must be given time to study and improve before re-testing and the mediation process is in place to permit this. N.J.A.C. 8:40A-5.8(e) does not prohibit an **EMT**-Basic course site from adding an additional five hours of clinical experience aboard a MICU, nor does it prohibit an **EMT**-Basic course site from requiring that all 10 hours of clinical experience be performed within a general hospital's emergency department.

32. COMMENT: Students admitted to an **EMT**-Basic certification program, **EMT**-Basics seeking recertification, and **EMT**-Basics certified in other states seeking reciprocity to qualify as **EMT**-Basics in New Jersey, should receive training in the following certified training programs of the New Jersey State Police: Hazardous Materials Level 1 Awareness, Weapons of Mass Destruction Awareness, and Incident Command System Level 100. Training in these areas would enhance the duties and responsibilities of the **EMT** and better reflect the current nature and expectations of BLS emergency medical services responders. (6)

RESPONSE: The Department agrees. The Department will propose amendments or new rules in this chapter that would incorporate the training programs referenced by the commenter.

33. COMMENT: N.J.A.C. 8:40A-5.9 should be eliminated because it serves no easily discernable useful function. (3, 4, 11)

RESPONSE: The Department intended proposed N.J.A.C. 8:40A-5.9 to require the production of statements that would be a ready reference to the program and students of the key points of each course and of the requirements to sit for the certification examination. Experience has shown, however, that this requirement has no positive or negative impact on educational outcome. Therefore, the Department will delete proposed N.J.A.C. 8:40A-5.9 upon

adoption as suggested by the commenters.

34. COMMENT: The written examination should be given at least twice per month, and in at least two locations in order to accommodate test candidates who live at the far ends of the State. (3, 4, 10, 15) The Department should not follow the National Registry's practice of disallowing persons whose **EMT** certifications have lapsed for more than two years to sit for the **EMT**-Basic certification examination. (3, 4, 9, 16)

RESPONSE: Proposed N.J.A.C. 8:40A-6.1(b) would require the administration of the NREMT-Basic Certification Examination at least once a month. The Department currently administers the written examination three times per month and intends to continue this practice. The Department will amend proposed N.J.A.C. 8:40A-6.1(b) upon adoption to require the examination to be administered at least three times per month. The Department disagrees that it should permit individuals whose certifications have lapsed for more than two years to sit for the NREMT-Basic Certification Examination. The National Registry has determined that degradation of cognitive knowledge and practical skills during a two-year period of inactivity is a determinative factor requiring complete re-training. The Department will amend proposed N.J.A.C. 8:40A-7.6 upon adoption to permit an abbreviated re-training and re-testing process only for those individuals whose certifications have lapsed for a period of fewer than two years. The vast majority of re-entries occur within the two-year span. Only a small number of re-entries occur outside of the two-year span.

35. COMMENT: Several commenters objected to the criminal background check requirement for new **EMT** candidates. (2, 3, 4, 5, 6, 7, 9, 10, 11, 13, 16, 20) Almost half of these objected to the fee that will be required of the **EMT** candidate, stating that this fee should be waived or paid by someone else, such as the Department, the employer, or a municipal government. (5, 11, 13, 16, 20) The background checks will take too much time to complete and therefore will unreasonably delay candidates from taking the **EMT** certification test. (3, 4, 16)

RESPONSE: The Department proposed N.J.A.C. 8:40A-6.2(c) to require all students who enroll in an **EMT**-Basic training program to consent to a criminal history review by the New Jersey State Police. Upon further review, however, due to personnel and resource limitations, the Department has determined to continue to limit the requirement of criminal background checks to those prospective **EMT** candidates who respond affirmatively to the criminal history screening question on the Department's EMS application form. Therefore, the Department's existing practice will remain in place. The Department declines to require employers to or others to pay for criminal background checks. Many applicants are volunteers and are not associated with an organization that will pay for the cost of their criminal background check. Accordingly, the Department will continue to require individuals to pay the fees associated with their criminal background checks. Applicants to become teachers, police officers, lawyers, postal inspectors and numerous other career positions also pay for their own criminal background checks. The rule does not prohibit employers from voluntarily reimbursing applicants' fees but the Department declines to require reimbursement.

36. COMMENT: The lack of a proposal to conduct criminal background checks for individuals seeking reciprocity, for MDs or RNs seeking certification as **EMTs**, and for re-certification of existing **EMTs**, is a significant gap in the protection afforded by criminal background checks. (1, 9, 13)

RESPONSE: Due to personnel and resource limitations, the Department has determined that it is not feasible at this time to require automatic criminal background checks of the approximately 23,000 re-certifying **EMTs**, of MDs or RNs seeking certification as **EMTs**, or for individuals seeking reciprocity. Candidates for reciprocity and advanced care practitioners seeking

certification as **EMTs** are asked the same criminal background screening questions that are asked of prospective new **EMTs**. The Department may ask the same criminal background questions of re-certifying **EMTs** in the future.

37. COMMENT: The passing grade for the NREMT examination should be removed from the regulations. (3, 4, 7)

RESPONSE: The Department agrees. The Department will amend proposed N.J.A.C. 8:40A-6.5 upon adoption to delete the phrase, "scores 70 percent correct or greater" and to replace it with the phrase, "achieves a passing score." This amendment is necessary because the Department follows the guidelines of the National Registry, which currently uses a score of 70 as the minimum passing score, but may use a higher score in the future. Additionally, an amendment has been made to name the National Registry of Emergency Technicians as the body which determines the passing score.

38. COMMENT: The Department should not require a five-dollar fee when an individual requests a replacement **EMT** card. (3, 4, 10, 11, 13, 16) The five-dollar fee is not excessive. (13) If a candidate for re-certification submits proof of meeting all criteria for re-certification 30 or more days prior to the expiration of his or her certification, then a rule should require that the Department issue a new **EMT** card prior to the candidate's expiration date. (19) When an **EMT** has been called to active military duty, the Department should grant an extension to the **EMTs** certification. (13)

RESPONSE: In response to the commenters' requests, the Department has determined not to charge a fee for an **EMT** replacement card at this time. The Department will reexamine the appropriateness and necessity of this fee in the future after having had the opportunity to evaluate its experience with requests for replacement cards. Accordingly, the Department will amend proposed N.J.A.C. 8:40A-7.1(g) upon adoption to state, "One original certification card shall be furnished free of charge. All requests for replacement cards must be submitted in writing." In addition, the Department will amend proposed N.J.A.C. 8:40A-8.2(c) upon adoption to delete the \$5.00 fee requirement for replacement **EMT**-Instructor cards.

The Department appreciates the commenter's statement that a \$5.00 fee is not excessive.

The Department disagrees that if a candidate for re-certification submits proof of meeting all criteria for re-certification 30 or more days prior to the expiration of his or her certification, then a rule should require that the Department issue a new **EMT** card prior to the candidate's expiration date. The Department makes every effort to issue **EMT** cards in a timely manner; however, this task is made more difficult because a very large number of **EMTs** and course coordinators do not complete or submit their continuing education requirements until the final few weeks before expiration of their certifications.

The Department intends to handle the small number of **EMTs** who request extensions due to active military service by means of the waiver procedure provided at proposed N.J.A.C. 8:40A-1.4. The Department disagrees that a new rule is necessary and will continue to handle these requests on a case-by-case basis.

39. COMMENT: Why do the regulations permit advanced care practitioners to sit for the NREMT-Basic certification examination instead of the NREMT-Assessment examination? (9, 16)

RESPONSE: The Department intended proposed N.J.A.C. 8:40A-7.2(b) to refer to proposed N.J.A.C. 8:40A-7.3(a)lii, iii, and iv, which would require advanced care practitioners to take the NREMT-Assessment examination instead of the NREMT-Basic certification examination. The National Registry of Emergency Medical Technicians recommends that advanced care practitioners take

the NREMT-Assessment examination. Unlike the NREMT-certification examination, the NREMT-Assessment examination is designed to measure the cumulative knowledge of the advanced care practitioner.

The Department will amend proposed N.J.A.C. 8:40A-7.2(b) upon adoption to require advanced care practitioners to take the NREMT-Assessment examination as recommended by the National Registry.

40. COMMENT: Three commenters congratulated the Department on N.J.A.C. 8:40A-7.3(a) and encouraged the Department to continue to broaden the number of state certifications that New Jersey recognizes for purposes of reciprocity. (3, 4, 11) One commenter stated that N.J.A.C. 8:40A-7.3(a) should be eliminated. The commenter did not provide a rationale for this change. (5)

RESPONSE: The Department appreciates the commenters' support of proposed N.J.A.C. 8:40A-7.3(a). The Department disagrees that proposed N.J.A.C. 8:40A-7.3(a) should be eliminated because elimination of reciprocity would reduce the number of qualified individuals available to serve as **EMTs** in New Jersey.

41. COMMENT: The Department should give individuals with NREMT certification New Jersey **EMT**-Basic certification valid for one year past their NREMT certification. (3, 4, 11)

RESPONSE: The Department disagrees. Proposed N.J.A.C. 8:40A-7.3(a)2 would require individuals whose NREMT certifications entitle them to status as an **EMT**-Basic to complete an application and an approved Core 13 program to become New Jersey-certified for a period of 12 to 18 months past their NREMT certification expiration date. The Department proposes these requirements as a means of orienting candidates to the New Jersey system and ensuring **EMT**-Basic skill competency.

The Department will amend N.J.A.C. 8:40A-7.3(a)2 upon adoption to simplify the language, to remove the passive voice, and to more precisely refer to the event used to calculate the range of effective dates of the reciprocal New Jersey certification; that being the expiration of the NREMT certification. Thus, the Department will issue State certification to a person holding valid NREMT certification. The State certification will be valid for at least 12 months from the date the NREMT certification would expire, but not more than 18 months after the NREMT certification would expire. With the exception of rare extensions of certifications due to military service, all New Jersey certifications expire on either **June 30** or December 31. By contrast, NREMT certifications expire quarterly, either on March 31, **June 30**, September 30 or December 31. The 12 to 18 month rule, referenced above, creates a six month window of flexibility that the OEMs uses to determine when the reciprocal State certification will expire. In this manner, an individual's reciprocal State certification will be put "on schedule" to expire on either **June 30** or December 31, as with all other State certifications. Use of the term "in duration" as contained on proposal did not provide a sufficient measuring tool to articulate the basis upon which the Department would determine how long the State certification would be effective between the 12 and 18 months.

42. COMMENT: It is unclear whether N.J.A.C. 8:40A-7.4 refers to a written examination. The Department should state that it does. (4, 11) N.J.A.C. 8:40A-7.4 is well spelled out and clarifies many past questions. (5) Does this subsection entitle minors to meet the minimum staffing requirements of non-licensed BLS services? (11)

RESPONSE: There is only one NREMT-Assessment examination, which is a written examination. The Department appreciates the comment that N.J.A.C. 8:40A-7.4 is well spelled out and clarifies many past questions. The Department does not regulate non-licensed BLS services, which may establish their own staffing requirements. However, N.J.A.C. 8:40-7.4(b) provides that provisional status means that minors can only perform services in the physical presence and under

the direct supervision of a certified **EMT**-Basic.

43. COMMENT: New Jersey should adopt the National Standard Curriculum on **EMT** recertification, which uses a six-module system rather than 12 separate core sessions. N.J.A.C. 8:40A-7.5 should be amended accordingly. (1)

RESPONSE: New Jersey has adhered to the **EMT**-Basic: National Standard Curriculum and the **EMT**-Basic Refresher: National Standard Curriculum for recertification and would to continue to do so by the adoption of proposed N.J.A.C. 8:40A-1.3 (definition of "program curriculum"), 7.5(a)2, and 9.5(a)1i. The **EMT**-Basic Refresher program curriculum requires 24 hours of core continuing education units (CEUs) as part of the recertification process. The program curriculum establishes no requirements with respect to the number of sessions in which students earn the required 24 core CEUs. Proposed N.J.A.C. 8:40A-8:40A-1.3 (definition of "program curriculum"), 7.5 and 9.5(a)1i would not prevent students from earning the required 24 core CEUs in either six sessions of four hours each, or 12 sessions of two hours each.

Many **EMT**-Basics are volunteers who work full-time during the day. Often it is more convenient during evenings for these individuals to attend 12 two-hour classes than six four-hour classes. The Department has determined to implement a system of 12 core sessions of two hours each for completing **EMT** recertification requirements at proposed N.J.A.C. 8:40A-7.5(a)2 and 9.5(a)1i, to ensure the availability of course enrollment opportunities that would be more flexible than a system of six four-hour sessions.

44. COMMENT: N.J.A.C. 8:40A-7.5(d), which would require the Department to issue CEU status letters six months prior to expiration, is not good policy because many students take CEU credits after the letter goes out that will not appear on the status letter. (1)

RESPONSE: The Department disagrees. It is each individual **EMT's** responsibility to track his or her own CEU status. The Department intends CEU status letters to serve as a reminder of what courses have and have not been registered for the individual by the course coordinator. Experience has shown that six months allows the individual enough time either to contact the course sponsor for missing credits or to enroll in additional programs necessary for recertification.

45. COMMENT: N.J.A.C. 8:40A-7.5(a) and (b) state differing recertification requirements that need to be reconciled. (5)

RESPONSE: The Department agrees. The Department will amend proposed N.J.A.C. 8:40A-7.5(a)2 upon adoption to delete the word "program" and to replace it with the word "units" to reflect that most elective courses are offered in more than one program. The Department will amend proposed N.J.A.C. 8:40A-7.5(b) upon adoption to delete the word "form" and to replace it with the phrase, "NJ CEU Attendance Verification Form," to specify to which form the rule refers. In addition, the Department will amend proposed N.J.A.C. 8:40A-7.5(b) upon adoption to correct the number of required continuing education hours from 48 to 24, to make N.J.A.C. 8:40A-7.5(b) consistent with N.J.A.C. 8:40A-7.5(a)2.

46. COMMENT: Several commenters objected to the five-dollar fee associated with CEU status letters in addition to the one sent to the **EMT**-Basic without charge. (2, 3, 4, 5, 6, 9, 10, 11, 13, 15, 16, 20) CEU status letters should be mailed out more frequently than once every three years due to National Registry Certification guidelines. (7)

RESPONSE: In response to the commenters' requests, the Department has determined not to charge a fee for additional CEU status letters at this time, and is, therefore, not adopting the fee-related portions of N.J.A.C 8:40A-7.5(d). The Department will reexamine the appropriateness and necessity of this

fee in the future after having had the opportunity to evaluate its experience with requests for additional CEU status letters. The Department is working towards making CEU status reports available online. The Department anticipates that this online availability would eliminate the need to increase the frequency with which the Department automatically mails CEU status letters. Therefore, the Department declines to increase the frequency at this time as requested by the commenter.

47. COMMENT: The Department should not require **EMTs** whose certifications have lapsed for more than two years to complete an **EMT**-Basic course to become certified. (3, 4, 11, 16)

RESPONSE: The Department disagrees. The National Registry has determined that degradation of cognitive knowledge and practical skills during a two-year period of inactivity is a dispositive factor requiring complete re-training. Accordingly, the Department will amend proposed N.J.A.C. 8:40A-7.6 upon adoption to permit an abbreviated re-training and re-testing process only for those individuals whose certifications have lapsed for a period of fewer than two years. The Department notes that the vast majority of re-entries fall within the two-year span. Only a small number of re-entries fall outside of the two-year period. Therefore, the burden on those few who would be affected by this amendment would be outweighed by the compelling interest to ensure that certified **EMTs** are fluent in all of the skills necessary to render high quality pre-hospital BLS patient care.

48. COMMENT: There should be a "fast track" for **EMT**-Instructor certification for advanced care practitioners and out-of-State **EMT**-Instructors. The current rule, requiring **EMT**-Instructor candidates to be recommended by course coordinators, is subject to abuse where potential candidates have fallen into disfavor with course coordinators for questioning the integrity of their teaching ability. These potential **EMT**-Instructor candidates have no recourse. (1)

RESPONSE: The Department disagrees. The information gained through the Instructor Training Institute (ITI) and the 120 hours of **EMT** instruction is specific to the New Jersey **EMT**-Basic curriculum. This information is not gained through advanced care practitioner education or training programs, and it is not guaranteed to be acquired through the **EMT**-Instructor certification process of any other state or jurisdiction. The requirements vary greatly from jurisdiction to jurisdiction. Accordingly, it is not possible to have a "fast track" **EMT**-Instructor certification process as suggested by the commenter. The Department disagrees that proposed N.J.A.C. 8:40A-8.1(b) should be amended to delete the requirement that a person seeking **EMT**-Instructor certification do so through the **EMT** program coordinator. This requirement helps ensure that a prospective **EMT**-Instructor has the support of the training agency. The Department has not received any indication from prospective **EMT**-Instructors of incidents suggesting abuse of authority by course coordinators. Concerned parties may approach the program director or OEMS to address their concerns.

49. COMMENT: I agree wholeheartedly with the requirements for **EMT**-Instructor. (5)

RESPONSE: The Department appreciates the commenter's support of the regulations.

50. COMMENT: The last sentence of N.J.A.C. 8:40A-8.1(c)6 is unclear with respect to the 60 hours of supervised instruction. When can it be credited to the prospective **EMT**-Instructor?(20)

RESPONSE: The subsection must be read in its entirety to convey complete meaning. When read as a whole, proposed N.J.A.C. 8:40A-8.1(c) would states first that 120 hours of supervised instruction are necessary for certification,

and then that no more than 60 hours of supervised instruction earned prior to the completion of the ITI program shall be counted toward the 120 hour total. This means that a minimum of 60 hours of supervised instruction must be earned after the ITI program is complete. Anyone with a question concerning this subsection is encouraged to contact OEMS for assistance. Accordingly, the Department believes additional clarification is unnecessary.

51. COMMENT: If an **EMT**-Instructor provides proof of meeting all criteria for recertification 30 or more days prior to the expiration of his or her certification, then N.J.A.C. 8:40A-8.1(f) should require that the Department issue a new **EMT**-Instructor card prior to the candidate's expiration date. (19)

RESPONSE: The Department disagrees. Proposed N.J.A.C. 8:40A-8.1(f) would not address **EMT**-Instructor recertification. The commenter probably intended to refer to proposed N.J.A.C. 8:40A-8.2. The Department makes every effort to issue **EMT**-Instructor recertification cards in a timely manner. Due to the relatively small number of **EMT**-Instructors and the fact that there have been no other complaints concerning this process, the Department declines to adopt the amendment suggested by the commenter.

52. COMMENT: **EMT**-Instructors should receive credit towards recertification for teaching CEU elective programs. (3, 4, 11) The Department should permit **EMT**-Instructors to recertify by instructing core 13 programs exclusively, therefore eliminating the need to affiliate with an **EMT**-Basic training site. (1)

RESPONSE: The Department disagrees. **EMT**-Instructors should not receive credit for teaching CEU elective programs because the intent of proposed N.J.A.C. 8:40A-8.2(a)3 is to require the **EMT**-Instructor to serve in the role of the learner and to engage in course work not otherwise taught. This requirement would provide enrichment to **EMT**-Instructors by exposing them to new subjects and by exposing them to the classroom experience from the perspective of the student. The rules already would permit **EMT**-Instructors to attain half of the necessary **EMT**-Basic instruction requirement through acting as the **EMT**-Instructor of record of an approved core program as provided at proposed N.J.A.C. 8:40A-8.2(a)2. The Department declines to extend the instruction requirement to elective programs as suggested by the commenters.

The Department disagrees that it should permit **EMT**-Instructors to recertify by teaching core 13 programs exclusively, thereby eliminating the need to maintain affiliation with an **EMT**-Basic training site. N.J.A.C. 8:40A-8.2(b) requires each program coordinator to forward documentation to OEMS regarding the performance of the **EMT**-Instructor. This rule therefore would require that to maintain an **EMT**-Instructor certification, individual **EMT**-Instructors must remain affiliated with an **EMT**-Basic course site. **EMT**-Basic course oversight ensures skills maintenance, clinical competence, quality assurance and an avenue through which the Department can readily disseminate pertinent information regarding the instructional curriculum or guidelines.

53. COMMENT: Recertification documentation should be forwarded to the Department 30 days prior to the expiration date rather than 90 days prior to the expiration date as stated in the proposed regulations. (20)

RESPONSE: The Department disagrees. **EMT**-Instructor recertification is more involved than **EMT** recertification and requires Department staff to evaluate independently the required recertification materials for each individual **EMT**-Instructor seeking recertification. Accordingly, the 90-day period required by proposed N.J.A.C. 8:40A-8.2(b) is necessary.

54. COMMENT: Three commenters disagree with the rule requiring that **EMT**-Instructors whose certifications have lapsed for more than 36 months attend the Instructor Training Institute (ITI). (3, 4, 11) The Department should disassociate itself from the ITI and permit training agencies to conduct their

own programs. (3, 4)

RESPONSE: The intent of proposed N.J.A.C. 8:40A-8.3(b), which would require **EMT**-Instructors whose certifications have lapsed for more than 36 months to attend the Instructor Training Institute (ITI), is to ensure that any instructor candidate has been exposed to recent curriculum and Departmental changes or modifications regarding scope, content and delivery of said curriculum. The Department disagrees that attendance at the ITI is not necessary for **EMT**-Instructors whose certifications have been lapsed for more than 36 months.

The Department disagrees that it should disassociate itself from the Instructor Training Institute. The ITI is a highly specialized, labor and resource intensive program, utilizing state and nationally recognized speakers, professional educators and the **EMT**-B Statewide Faculty. The quality of this program and the rich diversity of the instruction it provides cannot be easily duplicated absent the role of the Department.

55. COMMENT: The Department should not require **EMT**-Instructors to confirm a student's **EMT** and CPR status prior to accepting the student into the course as required by N.J.A.C. 8:40A-9.1. (5)

RESPONSE: The Department agrees that **EMT**-Instructor should not be required to confirm a student's **EMT** and CPR status prior to accepting the student into the course, but disagrees that proposed N.J.A.C. 8:40A-9.1 would require this. Proposed N.J.A.C. 8:40A-9.1 would not require **EMT**-Instructors to confirm students' **EMT** and CPR status prior to accepting them into a CEU course.

56. COMMENT: N.J.A.C. 8:40A-9.2(a) is not clear as to whether a student will receive credit for courses if the course roster is not forwarded to OEMS in a timely fashion. (3, 4, 11)

RESPONSE: The Department intends proposed N.J.A.C. 8:40A-9.2(a)1 through 6 to provide a complete list of the reasons why a student would be denied credit for completing a CEU course. Late submission of the course roster by the course coordinator is not included as one of those reasons.

The term "official session roster" does not contain the name of the actual form that the Department would require. The Department will amend proposed N.J.A.C. 8:40A-9.2(a) upon adoption to delete the references to the "official session roster" and "session rosters" and to replace them with terms "NJ CEU Verification Form" and "forms," respectively, to articulate that the Department intends training agencies to use the form that the Department prescribes for attendance verification purposes.

57. COMMENT: It is unclear how far in advance of the course the application for its approval must be submitted. (20)

RESPONSE: Proposed N.J.A.C. 8:40A-9.3(a) would provide, in relevant part: "Applications shall be delivered to OEMS no later than 30 calendar days prior to the scheduled start of the session."

58. COMMENT: It is unreasonable to expect a training program to be capable of verifying that an AED instructor has one year of pre-hospital EMS experience as required by N.J.A.C. 8:40A-9.3(b)1vi. (3, 4, 11)

RESPONSE: The Department intended to delete proposed N.J.A.C. 8:40A-9.3(b)1vi prior to proposal as this subparagraph would be unnecessary. The United States Department of Transportation incorporates AED instruction into the core curriculum, which the Department would adopt at N.J.A.C. 8:40A-7.5(a)2 and 9.5(a)1i. The subparagraph was proposed inadvertently. Accordingly, the Department will amend proposed N.J.A.C. 8:40A-9.3 upon adoption to delete the provision at subparagraph (b)1vi.

59. COMMENT: N.J.A.C. 8:40A-9.3(b)5 needs to be modified because some courses have practical skills sessions that do not require the presence of an **EMT**-Instructor. Classes of this nature include extrication, hazardous materials, and WMD training. (5)

RESPONSE: The Department intended proposed N.J.A.C. 8:40A-9.3(b)5 to apply to core 13 practical skills sessions only. Accordingly, the Department will amend proposed N.J.A.C. 8:40A-9.3(b)5 upon adoption to add the phrase "core 13," to implement the Department's original intention.

60. COMMENT: The Department should abandon the U.S.D.O.T. National Standards Refresher Curriculum. The Department should modify the current core refresher program to require topic hours relevant to the **EMT**-Basic curriculum rather than simply to reiterate the material from the **EMT**-Basic training program. This would be more in keeping with the concept of continuing education. (21)

RESPONSE: The Department disagrees. The Department follows the U.S.D.O.T. National Standards Refresher Curriculum. The current core refresher program should not be modified to require topic hours relevant to the **EMT**-Basic curriculum rather than to reiterate and reinforce the material from the **EMT**-Basic training program. Reiteration and reinforcement are the fundamental purpose of a refresher curriculum. Accordingly, the Department requires 24 core curriculum credits. The concerns of the commenter regarding continuing education are addressed in the elective curriculum, described further at N.J.A.C. 8:40A-9.5(a), in which students are permitted to earn 24 elective credits as the other half of their continuing education requirement.

61. COMMENT: The Department should approve alternate forms of CEU delivery, such as video or computer-based training. (17)

RESPONSE: The Department disagrees. Video and computer-based training are not subject to guidelines or controls to ensure the quality, delivery, and appropriateness of the course material in the same manner as a course taught by an **EMT**-Instructor. **EMT**-Instructors monitor student attendance and demeanor with respect to curriculum comprehension in a way that videos and computers cannot. **EMT**-Instructors can tailor their delivery to the audience so that they will remember it in a way that videos and computers cannot. In addition, **EMT**-Instructors can interact with students more effectively than can videos and computers. For all of these reasons, the Department declines to adopt video or computer-based training as an alternative means of CEU delivery.

62. COMMENT: With respect to N.J.A.C. 8:40A-9.5(b)3, "Please define relevant. Do you mean relating to the **EMT**-Basic curriculum? **EMT**-Basic job function as related by the NHTSA? Or another document?" (21)

RESPONSE: The Department intends the word "relevant" at N.J.A.C. 8:40A-9.5(b)3 to mean relating to the **EMT**-Basic curriculum.

63. COMMENT: Is there any research supporting the Department's decision to limit the length of a training session to no longer than eight consecutive hours during any 24-hour period? (1) I fully support the limit to the number of consecutive hours of training allowable in a 24-hour period. (21)

RESPONSE: Proposed N.J.A.C. 8:40A-9.5(c) states that, "Under no circumstances shall a session last longer than eight consecutive hours during any 24-hour period." The Department's education and training professionals recommend this requirement based on generally accepted education principles relating to appropriate class length. While the Department did not rely on any particular studies in drafting this requirement, studies have shown that learners' ability to absorb and retain information in programs lasting even a few hours deteriorates the longer the classroom session lasts. Factors such as classroom environment, lighting, seating, and temperature can have a further

deleterious effect on learning and retention. The Department has compiled a list of studies exemplary of these principles and will forward them to the commenter, and to other persons upon request.

The Department appreciates the commenter's support of the rule.

64. COMMENT: With regard to N.J.A.C. 8:40A-9.6, Reporting requirements, two commenters stated, "Amend. What action takes place if the agency does not provide the information within the 30 days? Is it simply that the payments to the agency will be delayed? It should be made clear that the course will be permitted to continue." (3, 4) The time for submitting the required information should be shortened to 10 days. (12)

RESPONSE: The Department disagrees that proposed N.J.A.C. 8:40A-9.6 should be amended to permit the course to continue. The rule, by its terms, would not require compliance until the course has been completed. The Department has determined that 30 days is reasonable and that 10 days may not be enough time to permit the agency to complete and submit the required information to the Department. To be consistent with the use of the term throughout the chapter, the Department will amend proposed N.J.A.C. 8:40A-9.6 upon adoption to delete the phrase, "sign in sheets and attendance verification" and replace it with "NJ CEU Verification form."

65. COMMENT: With respect to N.J.A.C. 8:40A-10.1, it may not be appropriate to define scope of practice by listing specific procedures in regulations because doing so will make it difficult to follow new protocols, as they will require a change in regulations. (5, 16) Tracheal suctioning is a recognized BLS skill that should be included in the regulations. (20)

RESPONSE: The Department has determined that it is necessary and appropriate to specify the scope of practice for an **EMT**-Basic in order to eliminate confusion that existed under prior rules. The Department disagrees that its decision to define scope of practice will "make it difficult to follow new protocols" as suggested by the commenters. The rules incorporate virtually all BLS treatment protocols by reference by virtue of the Department's adoption of the U.S.D.O.T. **EMT**-Basic National Standards Curriculum or the **EMT**-Basic National Standards Refresher Curriculum, as amended and supplemented, as the curriculum for **EMT**-Basic certification and recertification in New Jersey. Therefore, new protocols would be incorporated into the scope of practice as they are developed and taught. The Department recognizes, however, that it is not possible to anticipate all changes that will need to be incorporated into the scope of practice.

The Department agrees that it should specifically articulate tracheal suctioning as a skill within the scope of practice of an **EMT**-Basic. The Department will amend proposed N.J.A.C. 8:40A-10.1(b)4 and 5 upon adoption to articulate both "Oropharyngeal and nasopharyngeal airway insertion" and "Oropharyngeal, nasopharyngeal and tracheal suctioning," respectively, as skills within the scope of practice of an **EMT**-Basic.

66. COMMENT: The Department should specify a list of examples of what constitutes an immediate and/or serious threat to the public health, safety, and welfare under N.J.A.C. 8:40A-10.2(a) to avoid the appearance of arbitrariness. (3, 4, 11)

RESPONSE: The Department disagrees. Due to the broad range of possible occurrences that may constitute an immediate and/or serious threat to the public health, safety, and welfare, it is not possible to prescribe an exhaustive list of examples of what constitutes an immediate and/or serious threat to the public health, safety, and welfare. Accordingly, the Department declines to adopt the suggestions of the commenters.

67. COMMENT: It does not make sense to require that appeals be filed with the Commissioner because it is under the Commissioner's authority that these

penalty actions are taken. (3, 4, 11)

RESPONSE: The Department disagrees. The Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., governs the appeals process, and requires that an appellant first exhaust all administrative remedies. Accordingly, a petitioner must file his or her appeal with the Commissioner. This notifies the Commissioner that an appeal has been filed and that the appeal must be transmitted to the Office of Administrative Law. If the case does not settle before the hearing date, an administrative law judge (ALJ) makes an initial decision in the case. The Commissioner then reviews the ALJ's decision, which may be accepted, modified, or rejected by the Commissioner. The Commissioner's decision is a final agency decision (FAD). Upon issuance of the FAD, all administrative remedies have been exhausted. Either party may then appeal to the New Jersey Superior Court, Appellate Division.

68. COMMENT: N.J.A.C. 8:40A-10.2(b) is unclear with respect to who will decide what constitutes a violation and what standards will govern their decision. (2, 3, 4, 11, 18, 20, 21)

RESPONSE: The Department disagrees. Proposed N.J.A.C. 8:40A-10.2(b) would provide that, "The Commissioner, or his or her designee, may issue a formal written warning, impose a monetary penalty, place on probation, suspend, revoke and/or refuse to issue or renew the certification of any **EMT**-Basic or **EMT**-Instructor for violation of any of the rules set forth in this chapter." Therefore, the initial decision of what constitutes a violation will be made by the Commissioner or the Commissioner's designee. The Commissioner's designee is usually the Director of OEMS. The determination of when a violation occurred is based upon applicable statutes, case law, and the rules of this chapter.

69. COMMENT: It is unclear how the Department will determine whether an unauthorized disclosure of medical or patient information has taken place. (2, 3, 4, 11)

RESPONSE: In general, patient information is confidential and cannot be disclosed to third parties unless the patient consents to the disclosure. Two well-recognized exceptions in which disclosure of patient information is appropriate are disclosures to other health care providers to assist in the care of the patient, and disclosures for billing purposes. In cases where a patient complaint concerning unauthorized disclosure of confidential information is received by the Department, the Department will be guided by these general principles and other applicable laws. Providers are encouraged to consult with counsel regarding these issues in order to develop procedures that protect patient rights.

70. COMMENT: N.J.A.C. 8:40A-10.2(b)10 may be interpreted by the Department as requiring volunteer squads to submit reports to the Department. (3, 4, 11, 16)

RESPONSE: The Department disagrees. Proposed N.J.A.C. 8:40A-10.2(b)10 would provide that an **EMT** or an **EMT**-Instructor might be penalized for, "Destruction of medical records, including but not limited to, patient care reports or other records or reports required by the Department." Nothing in this rule would indicate that volunteer squads would be required to submit reports to the Department. Accordingly, the Department would not interpret the rule as requiring volunteer squads to submit reports to the Department.

71. COMMENT: It is inappropriate for the Department to deny a person the privilege of **EMT** certification without any appeal if the individual in question has been convicted of a crime or a disorderly persons offense, or has entered into a pre-trial intervention, conditional discharge or other diversionary program. (3, 4, 11, 16)

RESPONSE: The Department always provides written notice of agency actions affecting a person's **EMT** certification and an opportunity to be heard by an ALJ

at a formal hearing. Even in the event that an **EMT's** certification must be suspended immediately before a hearing in order to protect the public health and safety (for example, if an **EMT** were to attempt to treat patients while he or she were intoxicated), the **EMT** would be notified in writing of his or her right to request an emergent hearing before an ALJ. Therefore, the Department does not deny the right to an appeal for any individual who has been convicted of a crime or a disorderly persons offense, or has entered into a pre-trial intervention, conditional discharge or other diversionary program.

72. COMMENT: N.J.A.C. 8:40A-10.2(b)21 should be removed because it will result in ALS being called to assess patients unnecessarily and will invite second-guessing of BLS providers by the Department. (2, 3, 4, 9, 10, 11, 16, 18, 20)

RESPONSE: Proposed N.J.A.C. 8:40A-10.2(b)21 states that an **EMT** may be penalized for, "Failure to provide appropriate BLS care and/or to recognize the need for and to provide for ALS intervention." The Department's intent with this rule was to recognize this error in patient assessment as a specific violation and to put the regulated community on notice that the Department would consider failure to recognize the need for ALS intervention to be negligent practice requiring corrective action. In consideration of the numerous comments received, however, the Department is concerned that this paragraph may have a chilling effect on BLS emergency responders who may choose to call for ALS intervention in an effort to protect themselves from a perceived risk that they will be "second-guessed" by the Department if they do not. Therefore, the Department will delete proposed N.J.A.C. 8:40A-10.2(b) 21 upon adoption.

73. COMMENT: N.J.A.C. 8:40A-10.2(b)23 should be amended to clarify the meaning of the term "performance standards," which is not readily apparent. (2, 3, 4, 11)

RESPONSE: The Department disagrees. The continuing education requirements and performance standards referred to are specified in Subchapters 7 and 8.

74. COMMENT: N.J.A.C. 8:40A-10.2(b)25 should be removed or amended because it is too broad. (3, 4, 11)

RESPONSE: The Department disagrees. While the Department has made every effort to list foreseeable violations, it is not possible to determine all possible violations in advance. Proposed N.J.A.C. 8:40A-10.2(b)25 is a general rule that authorizes the Department to initiate enforcement actions for, "Any other action deemed by the Department to pose a threat to the public health, safety or welfare." The text of this provision is being carried over from prior rules and is necessary as a "catch all" provision to permit the Department to take action where an unanticipated public health concern arises and the Department is expected and required to take action.

75. COMMENT: A violation period should start from the date cited and end on the date corrected and that there should be a cap on the maximum fine assessed not to exceed \$25,000. (19)

RESPONSE: The Department disagrees. Fines are calculated according to N.J.S.A. 26:2H-14, which authorizes the assessment of penalties for each day that a provider is in violation, regardless of the "date cited." The Legislature determined not to establish, and the statute does not authorize, a ceiling or "cap" on fines. Therefore, the Department declines to amend the rule in the manner suggested by the commenter.

76. COMMENT: Penalties should take effect 30 days from the date the penalty letter is received, not 30 days from the date the penalty letter is mailed. The language at N.J.A.C. 8:40A-10.3(b)2 needs to be corrected because it does not appear to be written in the same person. In addition, penalty actions should not be posted on the OEMS website until they are effective. (4)

RESPONSE: The Department has determined that penalties should take effect 30 days from the date the notice is mailed to the recipient because experience shows that some individuals do not claim their certified mail in an effort to avoid service. By providing that penalties take effect 30 days after the notice is mailed, the Department can implement the sanction in the letter in reliance that service was good. Therefore, the Department declines to adopt a rule that would make penalty actions effective 30 days after notice is received.

Proposed N.J.A.C. 8:40A-7.1(h)2 would require persons subject to this chapter to notify the Department in the event of a change of address. Therefore, it is appropriate to conclude that mailing a penalty letter to the address on file with the Department would constitute effective service.

Proposed N.J.A.C. 8:40A-10.3(b)2 would require a person to give written notice of "its" desire for a hearing. The Department will amend proposed N.J.A.C. 8:40A-10.3(b)2 upon adoption to delete the word "its" and to replace it with the phrase "his or her," for grammatical correctness.

The Department agrees that penalty actions should not be posted on the OEMS website until they are effective. Proposed N.J.A.C. 8:40A-10.3(e)1 would provide that "where a hearing has been requested, the enforcement action shall not be posted to the OEMS website until . . . a final decision has been rendered." The Department will amend proposed N.J.A.C. 8:40A-10.3(e)1 upon adoption to make clear that formal written warnings and summary suspensions will be posted on the OEMS website 10 days after they are issued, and that monetary penalties, proposed probationary periods, proposed suspensions, and proposed revocations shall be posted on the OEMS website 30 days after they are issued, because they become effective 30 days after they are issued.

77. COMMENT: There is already a law against impersonating an **EMT**. N.J.A.C. 8:40A-10.4 should provide for enforcement of the existing law. (4, 11)

RESPONSE: The law to which the commenters refer is a provision of criminal law. The Department is not empowered to enforce violations of law that emanate from Title 2C of the New Jersey Statutes.

Summary of Agency-Initiated Changes:

1. The Department will make non-substantive, technical, and grammatical corrections throughout the chapter to correct errors.
2. Throughout the chapter, the Department is replacing references to "basic" training with references to "**EMT**-Basic" training, for precision of meaning.
3. At proposed N.J.A.C. 8:40A-1.3 and throughout the chapter, the Department will delete the term "acute care hospital" and replace it with the term "general hospital" upon adoption to be consistent with the terminology used in the Hospital Licensing Standards provided at N.J.A.C. 8:43G.
4. At proposed N.J.A.C. 8:40A-1.3, the Department will modify the term " 'aero-medical unit' or 'AMU' " upon adoption to delete the prefix "aero" and replace it with the word "air." This change to the term "air medical services" is more in keeping with the vernacular used in the industry. Throughout the chapter, the Department will amend references from "aero-medical unit" to "air medical unit."
5. At proposed N.J.A.C. 8:40A-1.3, the Department will amend the definition of "crewmember" upon adoption to delete the phrase "specialty care transport unit" and to replace it with the phrase, "mobility assistance vehicle," to reflect more accurately the nature of the work performed by crewmembers under this chapter.

6. The Department will amend the definition of "Program curriculum" at N.J.A.C. 8:40A-1.3 to reflect the correct name, source, and website of the **EMT**-Basic and **EMT**-Basic Refresher National Standard Curricula. Throughout the chapter, such as in the definition of "basic life support," the Department will delete and replace longer, and at times imprecise or inaccurate, references to the program curriculum with reference to the shorthand term "program curriculum." The context in which the reference to "program curriculum" is used will reflect whether the reference is to the **EMT**-Basic program curriculum, the **EMT**-Basic Refresher program curriculum, or both. At N.J.A.C. 8:40A-1.3, the Department will add a definition for the term "Refresher curriculum" upon adoption in order to distinguish re-certification training from initial certification training within the "program curriculum."

7. The Department will amend the section heading at proposed N.J.A.C. 8:40A-3.1, Application for a basic training program, to delete the term "basic" to articulate this subsection applies to both **EMT**-Basic and continuing education programs.

8. The Department will amend proposed N.J.A.C. 8:40A-3.1(b) upon adoption to add the term "**EMT**-Basic" before the term "training agency" to articulate that this subsection applies to **EMT**-Basic training programs.

9. The Department will add new subsection (c) at proposed N.J.A.C. 8:40A-3.1, to articulate that applications for certification as a continuing education program must meet the requirements of N.J.A.C. 8:40A-9.3.

10. The Department will amend proposed N.J.A.C. 8:40A-3.3(a)5 upon adoption to add the phrase "(**EMT**-Basic training agencies only)" to articulate which agencies this paragraph would affect.

11. The Department will amend proposed N.J.A.C. 8:40A-3.3(a)9 upon adoption to delete the word "Misutilization," and to replace it with the word "Misuse" for grammatical correctness.

12. The Department will amend the subchapter heading for proposed Subchapter 4 upon adoption to add the word "BASIC" to specify those personnel to which the subchapter applies.

13. The Department will amend proposed N.J.A.C. 8:40A-5.8(f) upon adoption to delete the term "State **EMT** Faculty" and to replace it with the term, "**EMT**-B Statewide Faculty."

14. The Department will amend proposed N.J.A.C. 8:40A-6.2(c) upon adoption to incorporate by reference the manner of payment and fee amounts for criminal background checks prescribed by the State Police at N.J.A.C. 13:59, as amended and supplemented, as well as to effectuate changes to the individuals required to complete a criminal background check as articulated in the Response to Comment 35.

15. The Department will amend proposed N.J.A.C. 8:40A-7.2(b) upon adoption to delete the reference to N.J.A.C. 8:40A-7.6(a)1 and 2 and to replace it with reference to N.J.A.C. 8:40A-7.3(a)lii, iii and iv to articulate the correct citation advanced care practitioners must refer to in seeking certification as an **EMT**-B.

Federal Standards Statement

The adopted new rules are not being adopted pursuant to, or in order to implement, comply with or participate in, any program established under Federal law or any State law incorporating or referring to Federal requirements.

Full text of the adopted new rules follows :

CHAPTER 40A
EMERGENCY MEDICAL TECHNICIANS-BASIC: TRAINING AND CERTIFICATION

SUBCHAPTER 1. AUTHORITY, SCOPE AND DEFINITIONS

<< NJ ADC 8:40A-1.1 >>

8:40A-1.1 Authority

These rules are promulgated pursuant to N.J.S.A. 26:2K-39 through 47 and 26:2K-54 through 62, which authorize the Commissioner to adopt rules pertaining to the training, testing and certification of Emergency Medical Technicians-Basic.

<< NJ ADC 8:40A-1.2 >>

8:40A-1.2 Scope and purpose

(a) These rules shall apply to:

1. Any person seeking certification or recertification as an **EMT**-Basic;
2. Certified **EMTs**-Basic;
3. Any person seeking certification or recertification as an **EMT**-Instructor;
4. Certified **EMTs**-Instructor;
5. Any private agency, organization or entity seeking certification as a training agency; and
6. Certified training agencies.

<< NJ ADC 8:40A-1.3 >>

8:40A-1.3 Definitions

The following words and terms, as utilized in this chapter, shall have the following meanings, unless the context in which they are utilized clearly indicates otherwise.

<<-"Acute care hospital" means any hospital, validly licensed by the Department, which maintains and operates organized facilities and services for the diagnosis, treatment or care of persons suffering from acute illness, injury or deformity and in which all diagnoses, treatment and care are administered by or performed under the direction of persons who, in accordance with N.J.S.A. 45:9-6, are validly licensed to practice medicine and surgery by the New Jersey State Board of Medical Examiners.->>

"Advanced life support" or "ALS" means an advanced level of pre-hospital, inter-facility or emergency medical care that includes basic life support functions, cardiac monitoring, cardiac defibrillation, telemetered electrocardiography, administration of anti-arrhythmic agents, intravenous (IV) therapy, administration

of specific medications, drugs and solutions, utilization of adjunctive ventilation devices, trauma care and other techniques and procedures authorized in writing by the Commissioner.

"Advanced practice nurse" means a person who is validly licensed by the New Jersey Board of Nursing in accordance with the standards set forth at N.J.S.A. 45:11-45 et seq.

<<- "Aero-medical unit" or "AMU" means a specially equipped helicopter or airplane that is validly licensed by the Department and operated in accordance with the standards set forth at N.J.A.C. 8:41.->>

"AHA CPR Guidelines" means these guidelines as published by the American Heart Association, National Center, 7272 Greenville Avenue, Dallas, TX 75231-4596, incorporated herein by reference as amended and supplemented. A copy of the guidelines is on file and available for inspection at the Office of Emergency Medical Services.

<<+ "Air medical unit" or "AMU" means a specially equipped helicopter or airplane that is validly licensed by the Department and operated in accordance with the standards set forth at N.J.A.C. 8:41.+>>

"Airplane" means, as defined at 14 C.F.R. 1.1, an engine-driven fixed-wing aircraft heavier than air, which is supported in flight by the dynamic reaction of the air against its wings.

"Automated external defibrillator" or "AED" means a device that can be attached to a patient in cardiopulmonary arrest, analyze an electrocardiogram for the presence of potentially lethal dysrhythmias (specifically, ventricular fibrillation and fast ventricular tachycardia), deliver an electrical defibrillation to the patient in accordance with the requirements of standard treatment protocols, and produce an event summary that documents significant events in the utilization of the device, specifically events prior to and after an electrical defibrillation.

"Available" means ready for immediate utilization (pertaining to equipment, vehicles and personnel) or immediately accessible (pertaining to records).

"Basic life support" or "BLS" means a basic level of pre-hospital care that includes patient stabilization, airway clearance and maintenance, cardiopulmonary resuscitation (CPR) (to the level of the Professional Rescuer or Health Care Provider as issued by either the American Heart Association, the American Red Cross, the National Safety Council or other entity determined by the Department to comply with AHA CPR Guidelines), hemorrhage control, initial wound care, fracture stabilization, victim extrication and other techniques and procedures as defined in the <<-United States Department of Transportation (U.S.D.O.T.) **EMT**-Basic National Standards Curriculum (obtainable from The National Highway Traffic Safety Administration, 400 7th Street S.W., Washington, D.C., 20590, by accessing their website at www.nhtsa.dot.gov/people/injury/ems or by calling (888) 327-4236)->> <<+ program curriculum+>>.

"Basic life support ambulance" or "BLS ambulance" means an emergency medical services vehicle that is validly licensed by the Department and operated in accordance with the standards set forth at N.J.A.C. 8:40.

"Basic life support ambulance service" or "BLS ambulance service" means an entity that is validly licensed by the Department to provide pre-hospital basic life support care; and/or BLS inter-facility transfers.

"Certified" or "certification" means official documentation that a person or agency has completed all the requirements of an approved training program and has demonstrated competence in the subject matter to the satisfaction of the certifying agency.

"Certificate of need" means the formal written approval of the New Jersey

Department of Health and Senior Services to construct or expand a health care facility or to institute a new health care service, in accordance with requirements set forth at N.J.A.C. 8:33.

"Commissioner" means the Commissioner of the New Jersey Department of Health and Senior Services.

"Controlled dangerous substance" means a drug, substance or immediate precursor identified in Schedules I through V of the New Jersey Controlled Dangerous Substances Act (N.J.S.A. 24:21-5 through 24:21-8.1). The term shall not include distilled spirits, wine or malt beverages, as those terms are defined or utilized in N.J.S.A. 33:1-1 et seq., or tobacco and tobacco products.

"Convicted" or "conviction" means a finding of guilt by a judge or jury, a guilty plea, a plea of nolo contendere or non-vult or entry into a pre-trial intervention program or other diversionary program authorized under the statutes of the State of New Jersey or under any other state's statutes.

"Core 13" means a New Jersey Department of Health and Senior Services, Office of Emergency Medical Services approved **EMT-B** continuing education training program that includes the entire ~~<<-United States Department of Transportation's **EMT-Basic** National Standard Refresher Curriculum->>~~ ~~<<+ refresher program curriculum+>>~~, to be taught in a period of no less than 24 classroom hours.

"CPR certification" means valid certification in cardiopulmonary resuscitation to the level of the Professional Rescuer or Health Care Provider as issued by the American Heart Association, the American Red Cross, the National Safety Council or other entity determined by the Department to comply with AHA CPR Guidelines.

"Crewmember" means any person (including, but not limited to, an **EMT-Basic**) who staffs a basic life support ambulance or ~~<<-specialty care transport unit->>~~ ~~<<+a mobility assistance vehicle+>>~~.

"Crime" means, in accordance with the New Jersey Code of Criminal Justice, specifically N.J.S.A. 2C:1-4, any offense for which a sentence of imprisonment in excess of six months is authorized.

"Department" means the New Jersey Department of Health and Senior Services.

"Disorderly persons offense" or "petty disorderly persons offense" shall have the same meaning as the definition provided by the New Jersey Code of Criminal Justice at N.J.S.A. 2C:1-4, incorporated herein by reference, as amended and supplemented. Generally, such offenses are under the jurisdiction of municipal courts, carry a maximum jail term of six months or less, and are characterized by being minor in nature, not giving rise to the rights of trial by jury or indictment by grand jury. Examples of offenses include harassment, obstructing a public passage, and fighting in a public place.

"Emergency" means a person's perceived need for immediate medical care in order to prevent death or aggravation of physiological or psychological illness or injury.

"Emergency medical services" or "EMS" means a system for the provision of emergency care and transportation of persons who are sick or injured and in need of immediate medical care.

"Emergency Medical Technician-Basic" or "**EMT-Basic**" means a person trained in basic life support care and validly certified or recognized by the Commissioner in accordance with the standards for Emergency Medical Technician-Basic certification as set forth in this chapter.

"Emergency Medical Technician-Paramedic" or "**EMT-Paramedic**" means a person trained in advanced life support care and validly certified or recognized by the Commissioner in accordance with the standards for Emergency Medical Technician-

Paramedic certification as set forth at N.J.A.C. 8:41A.

"Emergency Medical Technician Training Fund" or "EMT Training Fund" means the fund established by N.J.S.A. 26:2K-54 et seq., to reimburse any private agency, organization or entity that is certified by the Commissioner in accordance with the standards for certification set forth in this chapter, to provide training and testing for volunteer ambulance, first aid and rescue squad members who are seeking EMT-Basic certification or recertification, and for which that entity is not otherwise reimbursed.

"EMT-Instructor" means a person who is validly certified by the Commissioner in accordance with the standards for EMT-Instructor certification as set forth in this chapter.

"EMT-Instructor Aide" means a person who is validly certified by the Commissioner as an EMT-Basic, is affiliated with a training program and assists the EMT-Instructor with the training curriculum.

<<- "EMT Statewide Faculty" means New Jersey Certified EMT-Basics who possess unique skills, abilities and educational credentials, defined by the Department of Health and Senior Services, Office of Emergency Medical Services and who are deemed essential for the Statewide EMT-B training effort. Members of the faculty are selected by the Office of Emergency Medical Service's Education Coordinator, and serve as consultants to the Office of Emergency Medical Services Statewide training and evaluation efforts.->>

<<+ "EMT-B Statewide Faculty" means a body of persons appointed by the Office of Emergency Medical Services who are experienced in the education of the adult student, the delivery of emergency medical services and the training of pre-hospital care givers. The Faculty's purpose is to assist the Department in the implementation of the program curriculum.+>>

<<- "Evaluator" means a person responsible for administering the practical "hands-on" portion of the NREMT-Basic Certification Examination. Evaluators are identified, appointed and trained by the Office of Emergency Medical Services to observe and record the actions of each EMT-Basic student based upon the criteria for each skill tested, in accordance with the standards and guidelines established by the National Registry of Emergency Medical Technicians.->>

"Field preceptor" means a person who possesses a higher level of expertise in both the subject matter and field training requirements of EMT-Basic students. A field preceptor shall be responsible for monitoring EMT-Basic students in the demonstration of knowledge and in the performance of skills during the course of a student's required field experience.

<<+ "General hospital" shall have the meaning provided at N.J.S.A. 8:43G- 1.3(b)1, as amended and supplemented.+>>

"Helicopter" means a heavier-than-air aircraft that depends principally for its support in flight on the lift generated by one or more rotors.

"Medical record" means any information and/or reports (including, but not limited to, patient care reports) that describe a person's physical condition and/or medical history.

"Minor" means a person who has attained the age of 16 but has not yet attained the age of 18.

"Mobile intensive care hospital" means an acute care hospital authorized by the Commissioner, by way of a certificate of need, to develop and maintain a mobile intensive care program for the purpose of providing advanced life support care to a specific population, geographic region or political subdivision.

"Mobile intensive care program" means a program, operated by a mobile intensive care hospital, which is validly licensed by the Department to provide pre-hospital advanced life support care by way of a specially equipped and staffed mobile intensive care unit.

"Mobile intensive care unit" or "MICU" means a specialized emergency medical services vehicle that is validly licensed by the Department and operated in accordance with the standards set forth at N.J.A.C. 8:41.

"Mobility assistance vehicle" or "MAV" means a specialized transport vehicle that is validly licensed by the Department and operated in accordance with the standards set forth at N.J.A.C. 8:40.

"NREMT" means The National Registry of Emergency Medical Technicians, which is a professional testing agency specializing in the development of evaluation instruments designed for utilization by various states in the certification and registration of emergency medical services professionals. The NREMT is headquartered at the Rocco V. Morando Building, 6610 Busch Boulevard, PO Box 29233, Columbus, OH 43229-0233.

"Office of Emergency Medical Services" or "OEMS" means the Office of Emergency Medical Services in the New Jersey Department of Health and Senior Services, PO Box 360, Trenton, New Jersey, 08625. The telephone number for OEMS is (609) 633-7777.

"Official NREMT representative" means a person responsible for the administration of the written portion of the NREMT-Basic Certification Examination. Official NREMT representatives are appointed by the Office of Emergency Medical Services and are trained by the National Registry of Emergency Medical Technicians, in accordance with its standards and guidelines, to conduct all NREMT-Basic examination related activities.

"Patient" means any person who is ill or injured, living or deceased and with whom a crewmember has established physical or verbal contact.

"Patient care report" means and includes the written documentation completed each time a crewmember makes physical or verbal contact with a patient.

"Physician" means a person who is validly licensed by the New Jersey State Board of Medical Examiners in accordance with the standards set forth at N.J.S.A. 45:9-6.

"Physician assistant" means a person who is validly licensed by the New Jersey State Board of Medical Examiners in accordance with the standards set forth at N.J.S.A. 45:9-27.13.

"Pre-hospital" means the period of time prior to the delivery of a patient to a physician or registered nurse at an acute care hospital or satellite emergency department.

"Program curriculum" means the <<-U.S.D.O.T.->> **EMT-Basic**<<+:+>> National Standard<<-s->> Curriculum or the **EMT-Basic** <<+Refresher:+>> National Standard<<-s Refresher->> Curriculum<<-,->> (as applicable to either <<-a basic->> <<+an **EMT-Basic**+>> training or continuing education program), promulgated by the <<-Secretary->> <<+National Highway Traffic Safety Administration+>> of the United States Department of Transportation, incorporated herein by reference as amended and supplemented. Copies of the <<-U.S.D.O.T. **EMT-Basic** National Standards Curriculum or the **EMT-Basic** National Standards Refresher Curriculum->> <<+program curricula+>> may be obtained from the National Highway Traffic Safety Administration (NHTSA), 400 7th St. SW, Washington, D.C. 20590, or via the Internet at <<-www.nhtsa.dot.gov->> <<+http://www.nhtsa.dot.gov/people/injury/ems/nsc.htm+>>.

"Program instructor" means a person who possesses a high level of expertise in the

subject matter of the didactic initial and continuing education requirements of **EMT**-Basic students as evidenced by certification from a nationally recognized organization, certification from another state or jurisdiction, possession of degrees and/or advanced degrees from post-secondary institutions of higher learning such as colleges and universities and/or submission to the Department of a curriculum vitae that outlines the individual's education and experience relative to the subject matter.

<<+ "Refresher curriculum" means the **EMT**-Basic Refresher National Standard Curriculum, promulgated by the National Highway Traffic Safety Administration of the United States Department of Transportation, incorporated herein by reference as amended and supplemented. The course is intended for the EMS Community to refresh their current skills. Copies of the Refresher Curriculum may be obtained from the National Highway Traffic Safety Administration (NHTSA), 400 7th Street S.W., Washington, D.C. 20590, or via the Internet at <http://www.nhtsa.dot.gov/people/injury/ems/nsc.htm>. This course was developed by the National Association of EMS Educators.+>>

"Registered nurse" means a person who is validly licensed by the New Jersey State Board of Nursing in accordance with the standards set forth at N.J.S.A. 45:11-26.

"Remediation" means the formal process by which students who are experiencing difficulties following the lesson plan receive a formal review of any and all cognitive and psychomotor objectives associated with a specific module.

"Respiratory care practitioner" means a person who is validly licensed by the New Jersey State Board of Respiratory Care in accordance with the standards set forth at N.J.S.A. 45:14E-10.

"Revocation" or "revoked" means the permanent voiding, withdrawal and/or cancellation of a license or certification.

"Satellite emergency department" means a facility that is owned and operated by an acute care hospital, which provides emergency care and treatment.

"Specialty care transport unit" or "SCTU" means a specialized transport medical service vehicle that is validly licensed by the Department and operated in accordance with the standards set forth at N.J.A.C. 8:41.

"State Advisory Council" means the advisory body established pursuant to N.J.S.A. 26:2K-59.

<<-"State **EMT** Faculty" means a body of persons appointed by the Office of Emergency Medical Services who are experienced in the education of the adult student, the delivery of emergency medical services and the training of pre-hospital care givers. The Faculty's purpose is to assist the Department in the implementation of the program curriculum.->>

"Training agency" means any private agency, organization or entity that has been certified by the Commissioner, in accordance with the standards for certification as set forth in this chapter, to provide training and testing to persons who are seeking **EMT**-Basic certification or recertification. Certified training agencies shall be eligible for reimbursement from the Emergency Medical Technician Training Fund for the training and testing of volunteer ambulance, first aid and rescue squad members.

"Valid" or "validly" means original (not a photo copy), current, up-to-date, not expired, in effect and/or not past the renewal date required by the issuer.

"Volunteer ambulance, first aid or rescue squad" means, in accordance with N.J.S.A. 27:5F-20, an ambulance, first aid or rescue squad that provides emergency medical services without receiving payment for those services. Whether the individual members of a squad provide their services for free or are compensated by the squad is irrelevant to a squad's volunteer status.

"Volunteer ambulance, first aid or rescue squad member" means a person who is a member of, or is an applicant to become a member of, a volunteer ambulance, first aid or rescue squad, as attested to by the chief supervising officer of that squad.

<< NJ ADC 8:40A-1.4 >>

8:40A-1.4 Waivers

(a) The Commissioner or his or her designee may grant a waiver of any part of this chapter if, in his or her opinion, such a waiver would not:

1. Endanger the life of any person;
2. Endanger the public health, safety or welfare; or
3. Adversely affect the provision of mobility assistance, basic life support or advanced life support care.

(b) Any agency, organization, entity or person seeking a waiver shall apply, in writing, to OEMS.

(c) An application for waiver shall include the following:

1. The nature of the waiver requested;
2. The specific standards for which the waiver is requested;
3. Reasons for requesting the waiver, including a statement of the type and degree of hardship that would result if the waiver is not granted;
4. An alternate proposal that would ensure public safety; and
5. Documentation to support the waiver application.

(d) The Department reserves the right to request additional information before processing an application for waiver.

SUBCHAPTER 2. EMERGENCY MEDICAL TECHNICIAN TRAINING FUND

<< NJ ADC 8:40A-2.1 >>

8:40A-2.1 Eligibility for participation in the Emergency Medical Technician Training Fund

(a) Reimbursement from the **EMT** Training Fund shall be limited to those private agencies, organizations or entities that have been certified by the Commissioner to provide training and testing for volunteer ambulance, first aid and rescue squad members who are seeking **EMT**-Basic certification or recertification for which that agency, organization or entity is not otherwise reimbursed.

(b) A training agency that is otherwise reimbursed for the training and testing of volunteer ambulance, first aid or rescue squad members shall not be eligible for reimbursement from the **EMT** Training Fund.

(c) A training agency that receives monies from the **EMT** Training Fund shall not charge a fee to a person who is a member of, or an applicant to be a member of, a volunteer ambulance, first aid or rescue squad, as attested to by the chief supervising officer of that squad on an official "**EMT** Training Fund Certificate of Eligibility" form.

<< NJ ADC 8:40A-2.2 >>

8:40A-2.2 Disbursement of funds

(a) Reimbursement from the **EMT** Training Fund shall be in conformance with N.J.S.A. 26:2K-56 and 57.

(b) The priority for reimbursement from the **EMT** Training Fund shall be in the following order, subject to available Fund balances:

1. **EMT**-Basic certification;
2. **EMT**-Basic recertification.

(c) Training agencies shall be reimbursed on a continuing basis, in accordance with the priority schedule set forth in (b) above, for each student who successfully completes an approved <<-basic->> <<+**EMT**-Basic+>> or continuing education program.

1. The per capita reimbursement rate and payment schedule shall be determined by the Commissioner, in accordance with recommendations adopted by the State Advisory Council.

2. The per capita reimbursement rate and the annual payment schedule shall be the same for all training agencies.

(d) Funds shall not be disbursed until such time as the training agency has provided OEMS with written documentation that identifies the approved <<- basic->> <<+**EMT**-Basic+>> or continuing education program, and the names of students for <<- which->> <<+whose training+>> reimbursement is requested.

SUBCHAPTER 3. TRAINING AGENCY CERTIFICATION

<< NJ ADC 8:40A-3.1 >>

8:40A-3.1 Application for a <<-basic->> training program

(a) An agency, organization, or entity seeking certification as a training agency shall make application to the Department through OEMS.

(b) Applications for certification as <<-a->> <<+an **EMT**-Basic+>> training agency shall include the following:

1. A complete list of personnel required to be associated with the training agency (that is, program director, program coordinator, program medical advisor,

Lead **EMT**-Instructor and **EMT**<<-s->>-Instructor<<+s+>>), as defined in N.J.A.C. 8:40A-4.1 through 4.5. This list shall include the name, address, and telephone number for each person listed above. Should the program director, program coordinator or program medical advisor change after submission of the application or after approval, the applicant shall file an amended list with the Department within 30 calendar days of the change;

2. An estimate of the total number of **EMT** students to be trained on an annual basis;

3. An estimate of the minimum and maximum number of students that can be accommodated in any one basic training program;

4. Documentation showing that there will be adequate training equipment and aids to ensure that each student is able to have access to the equipment as required by the program curriculum; and

5. Documentation that the applicant has developed and shall implement a policy of control of access to student records in accordance with the standards of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g.

<<+(c) Applications for certification of continuing education programs shall meet the requirements of N.J.A.C. 8:40A-9.3.+>>

<<-(c)->><<+(d)+>> The Department shall review all applications for completeness. Incomplete applications shall not be processed until such time as the application has been amended and is deemed complete.

<<-(d)->><<+(e)+>> The Department reserves the right to request additional information before processing an application.

<<-(e)->><<+(f)+>> The Department shall make a determination on an <<+**EMT**-Basic course+>> application within 90 calendar days from the date on which the application is deemed complete by OEMS.

<<-(f)->><<+(g)+>> Consistent with N.J.A.C. 8:40A-10.3(c), an agency, organization or entity denied certification as a training agency shall be entitled to a hearing at the New Jersey Office of Administrative Law to contest the denial.

<< NJ ADC 8:40A-3.2 >>

8:40A-3.2 Site visits

(a) <<-In order to evaluate the applicant's ability to provide training, a site visit may be conducted by Department staff, and/or a member of the State appointed **EMT** faculty. For basic programs, the->> <<+Department staff, and a member of the **EMT**-B Statewide Faculty, shall conduct a site visit of a proposed **EMT**-Basic training location to evaluate an applicant's ability to provide **EMT**-Basic training. Department staff, and/or a member of the **EMT**-B Statewide Faculty, may conduct a site visit of a proposed continuing education training location to evaluate an applicant's ability to provide continuing education training. The+>> visit may include, but is not limited to:

1. Interviews with the proposed program director, program coordinator, program medical advisor, Lead **EMT**-Instructor, and **EMTs**-Instructor, as necessary;

2. A tour of the proposed facilities, including classrooms and practice areas;
3. A tour of any proposed satellite training area(s); and
4. A review of the equipment, audio-visual aids, supplies and training aids to be utilized.

(b) Department staff may request additional information as it deems necessary in order to render its recommendation to the Commissioner.

(c) At the conclusion of its visit, Department staff shall prepare a report and shall give a copy of the report to the applicant. This report shall identify the deficiencies, if any, found as a result of the site review, and shall advise the applicant that it has 30 calendar days within which to correct the deficiencies.

(d) Thereafter, Department staff shall make a written recommendation to the Commissioner.

(e) In addition to site visits for initial certification, the Department <<+ or a member of the **EMT-B Statewide Faculty+>> may conduct periodic and unannounced <<+EMT-Basic and continuing education+>> site visits for the purpose of monitoring compliance with this chapter. Each <<+EMT-Basic+>> training agency shall be subject to a site visit once every three years.**

<< NJ ADC 8:40A-3.3 >>

8:40A-3.3 Suspension or revocation of training agency certification

(a) Training agency certification may be suspended or revoked for any of the following reasons:

1. Failure to adhere to the rules contained in this chapter;
2. Failure to strictly adhere to the U.S.D.O.T. **EMT-Basic National Standards Curriculum**;
3. Failure to maintain <<-adequate->> <<+required+>> personnel, facilities, resources, finances, records, equipment and evaluation tools;
4. Failure to maintain a current list of personnel and faculty and/or to notify the Department of changes thereto;
5. Failure to conduct, on an annual basis, at least one <<-basic->> <<+ **EMT-Basic+>> training program <<+(EMT-Basic training agencies only)+>>;**
6. Refusal to allow Department staff to conduct a site review, inspection and/or evaluation, or obstructing Department staff during the course of such site review, inspection and/or evaluation;
7. Failure to successfully pass a site review, inspection or evaluation;

8. Failure to demonstrate <<-satisfactory->> <<+passing+>> student performance scores on the NREMT-Basic Certification Examination, as determined by the Commissioner (<<-basic->> <<+EMT-Basic+>> training agencies only); or

9. <<-Misutilization->> <<+Misuse+>> of **EMT** Training Fund monies, falsifying documents and other false filings of documents required by law, rule and/or regulation.

(b) In order to monitor compliance with this chapter, Department staff may attend any program session, examine any record of attendance, examine any documents relating directly to activities covered by this chapter, and request the submission of periodic reports on the training agency's activities. Failure to cooperate shall be grounds for suspension or revocation of a training agency's certification.

(c) Consistent with N.J.A.C. 8:40A-10.3(c), a training agency whose certification the Department proposes to suspend or revoke shall be entitled to a hearing at the New Jersey Office of Administrative Law to contest the proposed suspension or revocation.

(d) Any training agency whose certification is suspended for one year or more shall, after the period of suspension has expired, be required to meet the criteria set forth at N.J.A.C. 8:40A-5.5(b).

SUBCHAPTER 4. <<+EMT-BASIC+>> TRAINING AGENCY PERSONNEL

<< NJ ADC 8:40A-4.1 >>

8:40A-4.1 Program director

(a) Each training agency shall have a program director, who shall be responsible for the general operation of a training agency. The program director shall have experience in course planning, operation and evaluation. Additionally, experience in pre-hospital emergency medical services is recommended, but not required.

(b) The responsibilities of the program director shall include, but are not limited to:

1. Providing oversight to assure that the program content and instructional program complies with the standards and guidelines set forth in the program curriculum and this chapter;

2. Providing oversight to assist with the recruitment, selection and orientation of instructional staff;

3. Providing technical advice and assistance to the program coordinator and faculty;

4. Providing oversight to assure the quality of the educational and instructional experience;

5. Providing oversight to assure that the program is operated in compliance with this chapter;

6. Establishing and supervising a student application process;

7. Critiquing and evaluating the administration and results of all program examinations;

8. Serving as the primary contact person with the Department;

9. Serving as the training agency student/faculty liaison; and

10. Assuming the primary role in quality assurance.

(c) The program director need not be directly involved in the actual instruction of students.

<< NJ ADC 8:40A-4.2 >>

8:40A-4.2 Program coordinator

(a) Each <<+EMT-Basic+>> training agency shall have a program coordinator designated by the <<+course+>> sponsor and approved by OEMS.

(b) The qualifications necessary to serve as the program coordinator shall be as follows:

1. **EMT**-Instructor certification;

2. At least three consecutive years of experience as an active **EMT**- Instructor;

3. A demonstrated ability to coordinate administrative aspects of the <<- basic->> <<+EMT-Basic+>> training program including, but not limited to, familiarity with the program curriculum, the operations of the program schedule, and the ability to organize program sessions and student activities; and

4. A demonstrated ability to plan, implement and coordinate training sessions.

(c) The responsibilities of the program coordinator shall include, but are not limited to:

1. Providing oversight to assure that the program content and instructional program complies with the standards and guidelines set forth in the program curriculum and this chapter;

2. Providing oversight to assist with the recruitment, selection and orientation of the program medical advisor and instructional staff;

3. Providing technical assistance and guidance to the program medical advisor, instructional staff and students;

4. Providing oversight to assure the quality of the educational experience and of the instructional staff;

5. Identifying facilities and services where students can fulfill clinical and/or field experience requirements;

6. Providing oversight to the student application process;

7. Scheduling programs in accordance with the guidelines established by the program curriculum;

8. Scheduling instructional staff and ensuring that lecturers possess the appropriate skills and knowledge required for presenting specific sessions as outlined in the program outline;

9. Preparing, maintaining, procuring and inventorying all teaching materials and instructional aids;

10. Critiquing and evaluating the administration and results of all written and practical skills evaluations (in cooperation with the program director);

11. Maintaining all program evaluations, student records, files and program examination results;

12. Serving as student/faculty liaison;

13. Maintaining responsibility for quality assurance; and

14. Attending all **EMT** program coordinator meetings or training sessions as required by the Department. If the program coordinator is unable to attend, a representative shall be designated to attend.

(d) The program coordinator shall not also serve as the program director.

<< NJ ADC 8:40A-4.3 >>

8:40A-4.3 Program medical advisor

(a) Each training agency shall have a program medical advisor. The qualifications necessary to serve as the program medical advisor shall be as follows:

1. Physician status;

2. Experience in emergency medicine, and compliance with the requirements for emergency department physicians as set forth at N.J.A.C. 8:43G-12.3 <<+as amended and supplemented+>>; and

3. Familiarity with basic life support care and services.

(b) The responsibilities of the program medical advisor shall include, but are not limited to:

1. Serving as a program medical advisor regarding the program content, procedures and protocols;

2. Consulting and/or advising the instructional staff in the preparation and presentation of the program;

3. Assisting in recruiting physicians to present materials in class, settling questions of medical protocol and acting as a liaison between the program and the medical community;

4. Serving as a resource to review the quality of care rendered by the **EMT**- Basic during the clinical and field experiences of the <<-basic->> <<+ **EMT**-Basic+>> training program; and

5. Assisting in the review of all written and/or practical skills examinations developed by the program staff as needed.

(c) The program medical advisor shall be available for consultation, as needed.

<< NJ ADC 8:40A-4.4 >>

8:40A-4.4 Lead **EMT**-Instructor

(a) Each training agency shall have a designated Lead **EMT**-Instructor. The qualifications necessary to serve as the Lead **EMT**-Instructor shall be as follows:

1. Possession of **EMT**-Instructor certification;

2. Endorsement of the program coordinator; and

3. Knowledge in all areas of pre-hospital emergency care, techniques and methods of adult education, and managing resources and personnel.

(b) In addition, the person who serves as the Lead **EMT**-Instructor shall have a minimum of 120 hours of observed instruction as an **EMT**-Instructor under the direct supervision of a program coordinator, as documented in the accreditation application and its amendments.

(c) The responsibilities of the Lead **EMT**-Instructor shall include, but are not limited to:

1. Physically monitoring class sessions to assure program continuity and ensuring that each student has the cognitive, affective and psychomotor skills necessary to function as an **EMT**-Basic in the absence of the program coordinator;

2. Teaching program lessons, as defined by the U.S. Department of Transportation **EMT**-Basic National Standard Curriculum;

3. Attending all mandatory Department workshops relating to the implementation of the program curriculum; and

4. Assuming the responsibilities of the program coordinator in his or her absence.

<< NJ ADC 8:40A-4.5 >>

8:40A-4.5 **EMT**-Instructor

(a) Each training agency shall have an adequate number of **EMT**<<-s->>-Instructor<<+s+>> to provide appropriate instruction, as required by N.J.A.C. 8:40A-5.6(a)5, at all practical skills sessions.

(b) The qualifications necessary to serve as an **EMT**-Instructor shall be as follows:

1. Possession of **EMT**-Instructor certification; and
2. Endorsement of the program coordinator.

(c) The responsibilities of an **EMT**-Instructor shall include, but are not limited to:

1. Assisting the Lead **EMT**-Instructor in the demonstration and practice designed to develop and evaluate student skill competencies; and
2. Assisting the Lead **EMT**-Instructor in conducting the program sessions.

<< NJ ADC 8:40A-4.6 >>

8:40A-4.6 **EMT**-Instructor Aide

Each training agency shall <<-recruit and->> maintain a roster of **EMT** Instructor Aides to serve an apprenticeship with the respective training agency, provide appropriate instruction under the supervision of a Department of Health and Senior Services, Office of Emergency Medical Services approved **EMT**-B instructor, attend and participate in all aspects of **EMT**-Basic training, and assist in maintaining continuity for the training program.

SUBCHAPTER 5. BASIC TRAINING PROGRAMS

<< NJ ADC 8:40A-5.1 >>

8:40A-5.1 General information and requirements

(a) Each <<-basic->> <<+EMT-Basic+>> training program shall safeguard the health and safety of its students, faculty and any patients associated with the training activities.

(b) Each <<-basic->> <<+EMT-Basic+>> training program shall make academic counseling services available to each of its students. Guidance procedures shall be established that include documentation of regular and timely discussions with qualified faculty and the field preceptors regarding the student's strengths, weaknesses and overall progress in the <<- basic->> <<+EMT-Basic+>> training

program.

(c) Accurate information regarding didactic and clinical training requirements, tuition, fees, institutional policies, programmatic policies, procedures and supportive services shall be available to all <<- basic->> <<+EMT-Basic+>> training program applicants and students.

(d) Each <<-basic->> <<+EMT-Basic+>> training program shall maintain on file a descriptive synopsis of the current curriculum, both didactic and clinical, as well as current course objectives, course outlines, schedules of didactic and clinical courses, field experience schedules and instructional plans on file. These files shall be made available to applicants and students during normal business hours, and shall be made available to Department staff upon demand.

(e) The Department shall conduct such audits and inspections as necessary to ensure compliance with the provisions of this chapter. The program coordinator shall submit reports to the Department as required, including, but not limited to, course schedules, students registered and attending on the first night of class and final grade reports of students enrolled.

(f) Student records shall be retained for a period of at least five years from the end of training or termination of a student from the <<-basic->> <<+ EMT-Basic+>> training program. The program coordinator shall maintain all student records and shall make those records available to Department staff upon demand.

<< NJ ADC 8:40A-5.2 >>

8:40A-5.2 Student qualifications

(a) The requirements for enrollment in, and to receive credit for, <<-a basic->> <<+an EMT-Basic+>> training program shall be as follows:

1. Attainment of the age of 16 by the first day of the program;

i. Minors enrolled in <<-a basic->> <<-an EMT-Basic<<+ training program shall be subject to the limitations listed in (b) below;+>>->>

2. Possession of CPR certification. The student shall maintain CPR certification throughout the duration of the <<-basic->> <<+EMT- Basic+>> training program and until such time as he or she is either certified as an EMT-Basic or terminated from the <<-basic->> <<+EMT- Basic+>> training program. The student's CPR certification card shall be made available to Department staff upon demand; and

3. Physical capability to perform all required skills and tasks of an EMT- Basic student as cited in the <<-United States Department of Transportation's EMT-Basic National Standard Curriculum->> <<+program curriculum+>>.

(b) Minors enrolled in <<-a basic->> <<+an EMT-Basic+>> training program shall be subject to the following conditions:

1. Minors shall produce signed parental consent to participate in the program;

2. Minors shall agree to comply with all applicable labor laws, rules and/or regulations, including, but not limited to, N.J.S.A. 34:2-21.17;

3. Minors shall agree to comply with all applicable rules regarding attendance, performance and program examinations; and

4. Minors shall not be permitted to do the following in classes or after certification until they reach the age of TREASURY-TAXATION

i. Operate power-driven machinery including, but not limited to, fire apparatus, MAVs, BLS ambulances, MICUs, SCTUs and/or AMUs;

ii. Oil, wipe or clean any machinery in motion, inclusive of rescue tools;

iii. Utilize any machine that grinds, buffs, or polishes;

iv. Operate any hoisting equipment, inclusive of chain and cable come-a-longs;

v. Utilize any torch device utilized to heat, melt or cut metals, including rescue torches; or

vi. Operate and/or maintain any high-pressure hydraulic tool or air bag.

(c) No student shall be:

1. Exposed to injurious quantities of any toxic or noxious dust, gases, vapors and/or fumes; or

2. Exposed to, or allowed to participate in, direct firefighting operations.

(d) Minors shall receive practical skills instruction and shall be permitted to safely observe any of the skills listed in (b)4 above.

(e) The training agency shall ensure that the provisions of (b)4 and <<- 5->> <<+(c)+>> above are strictly enforced.

<< NJ ADC 8:40A-5.3 >>

8:40A-5.3 Attendance

(a) Each student shall attend all required program sessions. Attendance shall be recorded on an official session roster. Official session roster forms are available from OEMS upon request. All session rosters shall be delivered to OEMS at least 10 calendar days prior to the NREMT-Basic Certification Examination. No student shall be credited with attendance at a session who:

1. Fails to attend the entire session;

2. Arrives more than 15 minutes late for the session;

3. Has been expelled from the session for disruptive behavior;

4. Leaves prior to the completion of the session;

5. Attends the session, but is unwilling to participate in the required activities and instruction for that session; or

6. Fails to sign the attendance sheet.

(b) Subject to the provisions of (c) below, any student missing a session shall make the session up within <<-three months->> <<+120 days+>> of the course completion date prior to becoming eligible to sit for the NREMT- Basic Certification Examination. The program coordinator shall be responsible for assisting the student with locating a suitable make-up session. The options available to a student are:

1. Attendance at the same session in another <<-basic->> <<+EMT- Basic+>> training program;

2. Attendance at a special session scheduled by the program coordinator which covers the lecture material and practical skills; or

3. Utilization of audio/visual materials in conjunction with the required practical skills session conducted by a Lead EMT-Instructor or EMT-Instructor as approved by the program coordinator.

(c) Any student missing three consecutive sessions <<-shall->> <<+ may+>> be <<-automatically->> expelled from the <<-basic->> <<+EMT- Basic+>> training program and <<-shall->> <<+may+>> be required to apply for, and participate in, an entirely new <<-basic->> <<+EMT- Basic+>> training program.

<< NJ ADC 8:40A-5.4 >>

8:40A-5.4 Reporting requirements

(a) Each training agency shall forward completed attendance verification and/or data to the OEMS BLS Coordinator. All information shall be delivered to OEMS no later than 10 business days after the completion of the program.

(b) Each training agency shall provide the Department with the number of students that have successfully completed the <<-basic->> <<+EMT- Basic+>> training program and have been endorsed to take the NREMT-Basic Certification Examination as soon as possible after the final class session.

<< NJ ADC 8:40A-5.5 >>

8:40A-5.5 Application to conduct <<-a basic->> <<+an EMT-Basic+>> training program

(a) A certified training agency that seeks to offer <<-a basic->> <<+an EMT-Basic+>> training program shall submit an official "Application to Conduct an EMT-Basic Program" to OEMS for approval prior to offering or conducting <<-any basic->> <<+an EMT-Basic+>> training program. Applications shall be delivered to OEMS no later than 90 calendar days prior to the scheduled start of the program.

1. Incomplete and/or late applications shall be returned to the applicant and shall not be processed.

2. Applications for programs that do not demonstrate compliance with the requirements of this chapter shall be returned to the applicant with <<- an->> <<+a written+>> explanation as to why the program is insufficient.

(b) Each application shall include:

1. The names and credentials of the instructional staff. Qualified instructional staff as utilized in this section means:

i. Physicians;

ii. Registered nurses;

iii. Physician assistants;

iv. **EMT**-Paramedics;

v. Respiratory care practitioners;

<<-vi. Persons certified by the American Heart Association, the American Red Cross, the National Safety Council or other entity determined by the Department to comply with AHA CPR/AED Guidelines, for the purpose of instructing AED utilization, who may instruct, in accordance with the program curriculum identified at N.J.A.C. 8:40A-5.8, all aspects of AED utilization. Those persons shall also have a minimum of one year of experience as a member of an organization providing pre-hospital emergency medical services;->>

<<-vii.->><<+vi.+>> **EMT**-Instructors; and

<<-viii.->><<+vii.+>> Persons with specialized training applicable to the topic;

2. The location, date and time of each program session;

3. The program outline, objectives and curriculum; as defined in N.J.A.C. 8:40A-5.9;

4. Copies of any handouts or texts to be utilized during the program;

5. Documentation that practical skills sessions shall have adequate **EMT**-Instructor coverage, in accordance with N.J.A.C. 8:40A-5.6(a)5;

6. A copy or description of the proposed final examination <<+and any pre-final examination module examinations, as applicable, if certification is to be based on applicants' scores on modular examinations instead of or in addition to applicants'

scores on final examinations+>>. The examination may be written, practical or both, depending on the nature of the program; and

7. Documentation that the program shall follow the objectives of <<-U.S. Department of Transportation **EMT**-Basic National Standards Curriculum for an **EMT**-Basic, as defined by->> the program curriculum.

(c) Only those <<-basic->> <<+**EMT**-Basic+>> training programs offered by certified training agencies shall qualify for the purpose of reimbursement from the **EMT** Training Fund.

(d) Consistent with N.J.A.C. 8:40A-10.3(c), a training agency whose application to conduct <<-a basic->> <<+an **EMT**-Basic+>> training program has been denied shall be entitled to a hearing at the New Jersey Office of Administrative Law to contest the denial.

<< NJ ADC 8:40A-5.6 >>

8:40A-5.6 Instructional staff

(a) Each program shall be sufficiently staffed so as to provide for the instruction of students in the program materials. Sufficient staffing means:

1. One program director;
2. One program coordinator;
3. One program medical advisor;
4. One Lead **EMT**-Instructor; and

5. Enough **EMT**-Instructors to maintain a 1:6 **EMT**-Instructor to student ratio in practical skills instruction groups.

i. A training agency may elect to utilize one certified **EMT**-Instructor together with an **EMT**-Instructor Aide in groups with no more than 10 students during practical skills instruction sessions.

(b) A training agency may utilize certified **EMT**-Basics with at least one year of pre-hospital **EMT**-Basics experience and **EMT**-Paramedics as **EMT**-Instructor Aides.

<< NJ ADC 8:40A-5.7 >>

8:40A-5.7 Training sites

(a) Each training agency shall maintain a site with areas for the lecture and practical sessions. These may be, but need not be, separate areas. These areas should be such that the agency can conduct sessions that are conducive to the learning process.

(b) Each agency is responsible for ensuring that it is in compliance with all applicable laws, rules and/or regulations.

(c) A training agency may have one or more satellite training sites. However, each satellite training site is subject to the provisions of N.J.A.C. 8:40A- 3.2 and must be approved, in writing, by the Department prior to utilization.

1. Each satellite site shall meet the requirements for the primary training site set forth in (a) and (b) above.

<< NJ ADC 8:40A-5.8 >>

8:40A-5.8 Program curriculum

(a) The Department hereby adopts and incorporates by reference the <<- U.S.D.O.T. **EMT-Basic** National Standards Curriculum->> <<+program curriculum+>> as the curriculum for all <<-basic->> <<+EMT-Basic+>> training programs conducted in New Jersey.

1. A person must successfully complete each of the <<+program+>> curriculum's seven training modules, and shall not be permitted to move on to the next consecutive module until he or she has successfully passed the examination for the previous module. A person who fails a module examination shall<<-, following remediation,->> be permitted to re-test <<+following remediation+>>. A person who fails two consecutive examinations for the same module shall be automatically expelled from the <<-basic->> <<+EMT-Basic+>> training program and shall be required to apply for, and participate in, an entirely new <<-basic->> <<+EMT-Basic+>> training program.

(b) No training agency shall offer <<-a basic->> <<+an **EMT-Basic**+>> training program that provides instruction in material that is beyond the permitted scope of practice for an **EMT-Basic**, as defined in this chapter <<- or by the U.S.D.O.T. **EMT-Basic** National Standards Curriculum->><<+, the program curriculum,+>> or any applicable law, rule and/or regulation.

(c) Each lecture portion of <<-a basic->> <<+an **EMT-Basic**+>> training program shall comply with the corresponding lesson plan listed in the program curriculum.

(d) Each practical skills session shall comply with the standard of care as defined in the program curriculum or any applicable law, rule and/or regulation.

(e) Each <<-basic->> <<+EMT-Basic+>> training program shall include a 10-hour clinical experience in the emergency department of an acute care hospital or another area related to pre-hospital care that has been approved by the Department.

1. The clinical and/or field experiences shall be limited to observation of procedures and patients, and the application of clinical skills that are taught as part of the program <<+curriculum+>>. The clinical experience shall occur under the direct supervision of a Field Preceptor designated by the supervisor of the emergency department staff or other area included as part of the clinical experience.

2. No person shall serve as a field preceptor unless that person is medically qualified to operate at least to the level of an **EMT-Basic**.

3. Students participating in the clinical experience shall <<- not->> <<+neither+>> be required <<-or->> <<+nor+>> allowed to perform any skill or procedure that is outside the scope of practice for an **EMT-Basic**, nor shall a student be allowed to replace required emergency department staff.

4. The program coordinator or emergency department staff may permit the student to spend up to five hours of the required clinical experience as an observer on a MICU, subject to the restrictions set forth in (e)1 and 3 above.

(f) The <<-State **EMT**->> <<+EMT-B Statewide+>> Faculty shall assist the Department in the implementation of the <<-basic->> <<+EMT-Basic+>> training program curriculum, and the oversight of the instructional plan.

(g) Training in the utilization of AEDs shall be delivered as part of the **EMT**-Basic and **EMT**-Basic Refresher Programs and shall be in accordance with the <<-basic->> <<+EMT-Basic+>> training program curriculum.

<< NJ ADC 8:40A-5.9 >>

<<-8:40A-5.9 Goals and objectives->>

<<-(a) Each training agency shall provide a written statement which sets forth the goals and objectives of each basic training program, and which details the specific requirements that each student must successfully complete to be endorsed to take the NREMT-Basic Certification Examination. All statements issued in accordance with this section shall conform to the program curriculum.->>

<<-(b) These statements shall be utilized to provide the basis of program planning, implementation and evaluation, and may be developed in conjunction with a local advisory committee representing the various communities and populations that the training agency serves.->>

<<-(c) All goals and objectives established in accordance with this section shall include assurance that students completing the program shall have met the minimum requirements as outlined in the program curriculum inclusive of all cognitive, affective and psychomotor skills objectives approved by the Department and contained in the program curriculum.->>

SUBCHAPTER 6. NREMT-BASIC <<-CERTIFICATION->> <<+CERTIFICATION+>> EXAMINATION

<< NJ ADC 8:40A-6.1 >>

8:40A-6.1 General information

(a) The NREMT-Basic Certification Examination is the only examination recognized for **EMT**-Basic certification in New Jersey.

(b) The NREMT-Basic Certification Examination shall be administered at least <<-once->> <<+three times+>> per month.

(c) The NREMT-Basic Certification Examination shall be conducted in accordance with the rules contained in this chapter and all applicable NREMT policies, which can be obtained by writing to:

National Registry of Emergency Medical Technicians

Rocco V. Morando Building

6610 Busch Blvd.

PO Box 29233

Columbus, Ohio 43229-0233

(d) Only official NREMT representatives shall be permitted to administer the written portion of the NREMT-Basic Certification Examination. ~~EMT~~-Instructors shall administer the practical "hands-on" portion of the NREMT-Basic Certification Examination.

(e) The Department reserves the right to limit the number of examinees at any test site.

(f) A person who has been found to have compromised the integrity of the NREMT-Basic Certification Examination in any way (including, but not limited to, altering the examination, theft of examination materials, copying or otherwise reproducing the examination materials and/or any other form of cheating) shall be denied entrance to, or removed from, the examination. In addition, the person shall thereafter be barred from any future examinations.

<< NJ ADC 8:40A-6.2 >>

8:40A-6.2 Eligibility to sit for the examination

(a) Once a student has completed the required ~~basic~~ ~~EMT~~-Basic training program, inclusive of the required clinical experience, the program coordinator shall verify that the student is eligible to take a practical skills verification examination.

1. The practical skills verification examination shall be administered by the program coordinator, and shall adhere to the Core 13 program standards as listed in the ~~U.S.D.O.T. EMT-Basic National Standards Curriculum~~ ~~program curriculum~~. The results of the practical skills verification examination shall be recorded on official "Practical Skills Verification" forms, and shall be retained by the program coordinator.

(b) Upon successful completion of the practical skills verification examination, and provided all ~~basic~~ ~~EMT~~-Basic training program work is complete, the program coordinator shall issue an official "~~EMT~~- Basic Training Programs: Certificate of Eligibility for the NREMT-Basic Certification Examination" and shall submit a request to OEMS that the student be scheduled to sit for the NREMT-Basic Certification Examination.

1. A request to schedule a person for the NREMT-Basic Certification Examination shall be made in writing, and shall be delivered by the program coordinator to OEMS at least 15 calendar days prior to the scheduled examination date. Requests delivered after the closing date shall be returned to the program coordinator with an explanation as to the person's ineligibility to sit for the examination.

(c) All students who enroll in ~~a basic~~ ~~an EMT~~-Basic training program ~~shall complete~~ and submit a written application form to the Office of Emergency Medical Services. Those students who answer affirmatively to the criminal background screening question shall be given a "Request For Criminal History Record Information For A Noncriminal Justice Purpose" ~~form~~ (SBI 212B Form) at the first class session. The SBI 212B ~~form~~ ~~Form~~ shall be completed and signed by the student and delivered to OEMS at least 30 calendar days prior to the NREMT-Basic Certification Examination. The ~~form~~ ~~SBI 212B Form~~ shall be accompanied by ~~a cashiers check, certified check or money order~~ in the required amount made payable to "The Division of State Police--SBI." ~~payment~~ in the form and amount specified at N.J.A.C. 13:59, Criminal History Record Background

Checks, as amended and supplemented.+>>

1. Upon delivery to OEMS, the SBI 212B <<-form->> <<+Form+>> shall be submitted by OEMS to the New Jersey State Police, State Bureau of Identification for processing.

2. Any student found to have been convicted of any crime or offense listed in (d)1 through 3 below shall be ineligible to sit for the NREMT-Basic Certification Examination, and shall be so notified. A student that has been deemed ineligible to sit for the examination may apply to OEMS for a waiver. All waiver requests must be made in accordance with the standards set forth at N.J.A.C. 8:40A-1.4, and shall be considered in compliance with the Rehabilitated Convicted Offenders Act, N.J.S.A. 2A:168A-1 et seq.

3. A student who fails to deliver the completed SBI 212B <<-form->> <<+ Form+>> to OEMS at least 30 calendar days prior to the NREMT-Basic Certification Examination shall be ineligible to sit for that examination.

(d) Absent the granting of a waiver, as provided for in (c)2 above, a person shall not be allowed to sit for the NREMT-Basic Certification Examination if he or she has been accepted into a Pre-trial Intervention, conditional discharge or other diversionary program or has been convicted of:

1. Any crime;

2. Any disorderly persons offense; and/or

3. A petty disorderly persons offense involving the possession, utilization, sale and/or distribution of any controlled dangerous substance; representing a risk of harm to the health, safety or welfare of patients; and/or involving patient abuse or patient neglect.

<< NJ ADC 8:40A-6.3 >>

8:40A-6.3 Admittance to the examination

(a) Requirements for admission to the NREMT-Basic Certification Examination shall be as follows:

1. Presentation of a valid "Certificate of Eligibility to sit for the NREMT-Basic Certification Examination" form<<+,+>> which shall include verification that:

i. Not more than 12 months have elapsed since the examinee successfully completed the <<-basic->> <<+EMT-Basic+>> training program; and

ii. Any out-of-State **EMT**-Basic or **EMT**-Paramedic certification(s) is/are not currently suspended or revoked;

2. Presentation of a photo identification card; and

3. Presentation of a CPR certification card.

<< NJ ADC 8:40A-6.4 >>

8:40A-6.4 Accommodations for persons with documented learning disabilities

(a) OEMS shall offer reasonable and appropriate accommodations for the written component of the NREMT-Basic Certification Examination for those persons with documented learning disabilities in reading decoding, reading comprehension and/or written expression.

(b) A person requesting accommodations for the written component of the NREMT-Basic Certification Examination shall deliver documentation of his or her learning disability to OEMS and the NREMT at least 30 calendar days prior to the examination.

1. Documentation of a learning disability shall include one of the following:

i. A diagnosis based upon the results of a standardized psycho-educational assessment, including an individually administered standardized measure of intelligence and an individually administered standardized measure of achievement in reading decoding, reading comprehension and/or written expression; or

ii. A diagnosis made by a qualified professional, according to the criteria outlined in the Diagnostic and Statistical Manual of Mental Disorders (DSM- IV; American Psychiatric Association, 1994 incorporated herein by reference as amended and supplemented. This manual may be obtained by contacting The American Psychiatric Publishing Inc., 1000 Wilson Boulevard, Arlington, VA 22209 or through their website at www.psych.org).

2. All diagnosis shall have been made within five years of the date of the examination.

(c) A person who qualifies for accommodations shall be permitted a total of three hours and 45 minutes within which to take the written portion of the NREMT-Basic Certification Examination.

<< NJ ADC 8:40A-6.5 >>

8:40A-6.5 Examination results and reexaminations

(a) Results of the NREMT-Basic Certification Examination shall be forwarded directly to the examinee by the NREMT. OEMS shall not reveal a person's examination score to any party other than the examinee or the program coordinator.

(b) A person who <<-scores 70 percent correct or greater->> <<+achieves a passing score+>> on the NREMT-Basic Certification Examination <<+as determined by the National Registry of Emergency Technicians (NREMT) (www.NREMT.org)>> and has met all other requirements for **EMT**-Basic certification as identified at N.J.A.C. 8:40A-7.2 shall be issued an **EMT**- Basic certification card.

(c) A person who <<-scores less than 70 percent correct->> <<+does not achieve a passing score+>> on the NREMT-Basic Certification Examination <<+ as determined by the NREMT+>> shall be permitted two additional opportunities to sit for the examination and to achieve a passing score. A person who <<- scores 70 percent correct or greater->> <<+achieves a passing score+>> on the second or third attempt, as applicable, and has met all other requirements for **EMT**-Basic certification as identified at N.J.A.C. 8:40A-7.2 shall be issued an **EMT**-Basic

certification card.

(d) A person who has completed <<-a basic->> <<+an **EMT**-Basic+>> training program and has failed the NREMT-Basic Certification Examination three times may become eligible to sit for the examination by successfully completing an approved Core 13 program and obtaining an official "**EMT**-Basic Retraining Program: Certificate of Eligibility," as completed by the program coordinator.

1. Upon compliance with the requirements set forth in (d) above, a person shall be permitted three additional opportunities to sit for the NREMT-Basic Certification Examination.

(e) A person who <<-has scored less than 70 percent correct->> <<+does not achieve a passing score+>> on the NREMT-Basic Certification Examination <<+as determined by NREMT+>> on all six examination attempts shall be required to reenroll and complete <<-a basic->> <<+an **EMT**- Basic+>> training program before being allowed any additional attempts at the NREMT-Basic Certification Examination.

(f) All attempts of the NREMT-Basic Certification Examination shall be completed within 12 months of the scheduled end of each <<-basic->> <<+ **EMT**-Basic+>> training program.

SUBCHAPTER 7. **EMT**-BASIC CERTIFICATION

<< NJ ADC 8:40A-7.1 >>

8:40A-7.1 General information

(a) No person shall act in the capacity of an **EMT**-Basic in any form or manner until first certified or recognized by the Department, in accordance with this standards set forth in this chapter.

(b) Absent the granting of a waiver, as provided for in (c) below, no person shall be certified or recognized as an **EMT**-Basic if he or she has been accepted into a pre-trial intervention, conditional discharge or other diversionary program in this State or any other state or convicted of:

1. Any crime;

2. Any disorderly persons offense; and/or

3. A petty disorderly persons offense involving the possession, utilization, sale and/or distribution of any controlled dangerous substance; representing a risk of harm to the health, safety or welfare of patients; and/or involving patient abuse or patient neglect.

(c) A person who has been convicted of any crime or offense listed in (b)1 through 3 above may, in accordance with N.J.A.C. 8:40A-1.4, request a waiver of this requirement. All requests must be made in writing, and shall be considered in compliance with the Rehabilitated Convicted Offenders Act, N.J.S.A. 2A:168A-1 et seq.

(d) **EMT**-Basic certification or recertification shall not be issued until such time as the person has provided the Department with his or her full name, permanent mailing address and other information as may be required by the Department. This information shall be maintained by the Department and shall be utilized to maintain a register of all persons applying for certification.

(e) Expiration of all certifications shall occur on either **June** 30 or December 31, depending on the date of initial certification. Certifications shall be valid until 12:00 midnight of the expiration date listed on the card. No grace periods or extensions shall be granted.

(f) Certification cards are the property of the Department, and shall be immediately surrendered to Department staff upon demand. All certification cards shall become immediately null and void and shall be returned to the Department concurrent with the revocation or voluntary surrender of a person's **EMT-Basic** certification.

(g) One original certification card shall be furnished free of charge. All requests for replacement cards must be submitted in writing <<-and accompanied by a certified bank check (for example, a cashier's check) or money order in the amount of \$5.00, made payable to "Treasurer, State of New Jersey." Requests sent via e-mail, facsimile or without the \$5.00 fee shall not be honored->>.

(h) Once certified, it shall be the responsibility of the **EMT-Basic** to immediately notify OEMS, in writing, of:

1. Conviction of any crime or offense or acceptance into a pre-trial intervention, conditional discharge or other diversionary program in this or any other state listed in (b)1 through 3, above; and/or

2. Any change of name and/or address, and to provide appropriate documentation as may be required by the Department.

(i) A person shall not knowingly file any record or document that is falsified, fraudulent or untrue. The filing of such false records or documents shall be sufficient cause for the revocation, or refusal to issue or renew, an **EMT-Basic** certification.

<< NJ ADC 8:40A-7.2 >>

8:40A-7.2 Certification

(a) The requirements for certification as an **EMT-Basic** shall be as follows:

1. Attainment of the age of 18;

2. Possession of CPR certification; and

3. Successful completion of <<-a basic->> <<+an **EMT-Basic**+>> training program (which shall include a 10-hour clinical experience) and achievement of a passing score on the NREMT-Basic Certification Examination, or granting of reciprocity by the Department in accordance with N.J.A.C. 8:40A-7.3.

(b) A physician, physician assistant, registered nurse or advanced practice nurse may obtain **EMT-Basic** certification by complying with the requirements set forth at N.J.A.C. 8:40A-<<-7.6(a)1 and 2->><<+*7.3(a)1ii, iii and iv+>>.

(c) **EMT-Basic** certification shall be valid for a period of not less than 36, nor more than 42, months.

(d) Consistent with N.J.A.C. 8:40A-10.3(b), a person denied certification as an **EMT-Basic** shall be entitled to a hearing at the New Jersey Office of Administrative

Law to contest the denial.

<< NJ ADC 8:40A-7.3 >>

8:40A-7.3 Reciprocity

(a) A person validly certified as an **EMT**-Basic by the NREMT, the State of New York or any member state of the Atlantic EMS Council (currently Delaware, the District of Columbia, Maryland, Pennsylvania, Virginia and West Virginia) shall have status as an **EMT**-Basic. No further testing shall be required, and the **EMT**-Basic certification card issued by the out-of-State certifying agency shall be valid for the purpose of proof of **EMT**-Basic certification. This section shall not be construed to permit a person to practice beyond his or her certifying state's scope of practice.

1. A person validly certified as an **EMT**-Basic by the State of New York or any member state of the Atlantic EMS Council (currently Delaware, the District of Columbia, Maryland, Pennsylvania, Virginia and West Virginia) who wishes to acquire a New Jersey **EMT**-Basic certification card shall be required to:

i. Complete an application for reciprocity;

ii. Successfully complete an approved Core 13 program;

iii. Obtain an official "**EMT**-Basic: Certificate of Eligibility for the NREMT-Basic Certification Examination" form (as completed by the **EMT**-Instructor); and

iv. Sit for, and achieve a passing score on, the NREMT-Assessment Examination.

2. A person validly certified as an **EMT**-Basic by the NREMT who wishes to acquire a New Jersey **EMT**-Basic certification shall be required to complete the requirements delineated under (a)li and ii above. Once the requirements of this subsection are met, <<+the OEMS shall issue+>> a New Jersey **EMT**-Basic certification card that is valid for <<-a period not less than->> <<+at least+>> 12, <<-nor->> <<+but no+>> more than 18, months <<-in duration shall be issued by OEMS->> <<+past its NREMT expiration date+>>.

(b) A person validly certified as an **EMT**-Basic in any other state or Federal jurisdiction not identified in (a) above, may apply to participate in an abbreviated certification process by completing an official "**EMT**-Basic Application" form, which is available from OEMS upon request.

1. Upon receipt of an application to participate in the abbreviated certification process, OEMS shall verify the applicant's certification with the out-of-State jurisdiction. Only those persons who are validly certified in a jurisdiction whose requirements for certification meet the minimum standards of the U.S.D.O.T. **EMT**-Basic National Standards Curriculum shall be eligible to proceed in the abbreviated certification process.

2. Once OEMS has reviewed the application and has determined that the applicant is qualified, the applicant shall be issued instructions on the abbreviated certification process. Each applicant shall successfully complete a Core 13 <<-skills verification examination->> <<+program+>>, obtain an official "**EMT**-Basic: Certificate of Eligibility for the NREMT-Basic Certification Examination" form (as

payable to "Treasurer, State of New Jersey." Requests sent via e-mail, facsimile or without the \$5.00 fee shall not be honored.-->>

1. Continuing education credits shall not be carried forward from one recertification period to the next. At the beginning of the next recertification period, the continuing education balance shall be reset to zero core and zero elective credits.

(e) **EMT**-Basic recertifications shall be valid through the expiration date listed on the card, but in no event shall they be valid for more than 36 months from the date of issue.

(f) Consistent with N.J.A.C. 8:40A-10.3(b), a person denied recertification as an **EMT**-Basic shall be entitled to a hearing at the New Jersey Office of Administrative Law to contest the denial.

<< NJ ADC 8:40A-7.6 >>

8:40A-7.6 Expired certifications

(a) The requirements for certification of a person formerly certified as an **EMT**-Basic who has allowed that certification to expire (that is, a person who, for whatever reason, has not completed the required number of continuing education credits necessary for recertification) shall be as follows:

1. Successful completion of an approved Core 13 program; and
2. Achievement of a passing score on the NREMT-Basic Certification Examination.

(b) Upon successful completion of all of the requirements set forth in (a) above, the person shall be issued an **EMT**-Basic certification card, which shall be valid for a period of not less than 36, nor more than 42, months.

SUBCHAPTER 8. **EMT**-INSTRUCTOR CERTIFICATION

<< NJ ADC 8:40A-8.1 >>

8:40A-8.1 Certification

(a) No person shall act in the capacity of an **EMT**-Instructor in any form or manner until certified by the Department to do so.

(b) A person seeking certification as an **EMT**-Instructor shall make application to the OEMS through the **EMT** program coordinator.

(c) The requirements for certification as an **EMT**-Instructor shall be as follows:

1. Attainment of the age of 21;
2. **EMT**-Basic certification for a period of at least 36 consecutive months;
3. At least 36 consecutive months of active experience as a practicing **EMT**-Basic;

4. Maintenance of satisfactory performance in the instruction of <<- basic->> <<+EMT-Basic+>> training programs as attested to, in writing, by the program coordinator of the course site with which the **EMT**-Instructor is affiliated;

5. Successful completion of the Department's Instructor Training Institute program, which shall include a passing score on both the written and practical skills examinations. The Instructor Training Institute is a program of instruction that integrates methodologies of teaching the adult learner with the specific educational objectives of the program curriculum; and

6. Completion of 120 hours of instruction under the direct supervision of a program coordinator and Lead **EMT**-Instructor. Supervised instruction shall cover all areas of the program curriculum for **EMT**-Basic training. No more than 60 hours may be credited prior to the completion of the Instructor Training Institute program.

(d) Absent the granting of a waiver, as provided for in (e) below, no person shall be certified as an **EMT**-Instructor if he or she has been accepted into a pre-trial intervention, conditional discharge or other diversionary program, and/or convicted of:

1. Any crime;

2. Any disorderly persons offense; and/or

3. A petty disorderly persons offense involving the possession, utilization, sale and/or distribution of any controlled dangerous substance; representing a risk of harm to the health, safety or welfare of patients; and/or involving patient abuse or patient neglect.

(e) A person who has been convicted of any of any crime or offense listed in (d)1 through 3 above may, in accordance with N.J.A.C. 8:40A-1.4, request a waiver of this requirement. All requests must be made in writing, and shall be considered in compliance with the Rehabilitated Convicted Offenders Act, N.J.S.A. 2A:168A-1 et seq.

(f) **EMT**-Instructor certification shall be valid for a period of not less than 36, nor more than 42, months. Expiration of all certifications shall occur on either **June** 30 or December 31, depending on the date of initial certification. Certifications shall be valid through the expiration date listed on the card. No grace periods or extensions shall be allowed.

1. One original certification card shall be furnished free of charge. All requests for replacement cards must be submitted in writing <<-and accompanied by a certified bank check (for example, a cashier's check) or money order in the amount of \$5.00, made payable to "Treasurer, State of New Jersey." Requests sent via e-mail, facsimile or without the \$5.00 fee shall not be honored->>.

2. Certification cards are the property of the Department, and shall be immediately surrendered to Department staff upon demand. All certification cards shall become immediately null and void and shall be returned to the Department concurrent with the revocation or voluntary surrender of a person's **EMT**-Instructor certification.

(g) Certification as an **EMT**-Instructor shall also serve as certification as an

EMT-Basic for the purposes of any applicable law, rule and/or regulation.

(h) Consistent with N.J.A.C. 8:40A-10.3(b), an applicant denied certification as an **EMT**-Instructor shall be entitled to a hearing at the New Jersey Office of Administrative Law to contest the denial.

<< NJ ADC 8:40A-8.2 >>

8:40A-8.2 Recertification

(a) The requirements for recertification as an **EMT**-Instructor shall be as follows:

1. Maintenance of satisfactory performance in the instruction of <<- basic->> <<+**EMT**-Basic+>> training programs as attested to, in writing, by the program coordinator of the course site with which the **EMT**-Instructor is affiliated;

2. Provision of active instruction in <<-a basic->> <<+an **EMT**- Basic+>> training program of at least 100 hours during a period of 36 consecutive months. The **EMT**-Instructor may accrue up to 50 hours by serving as the **EMT**-Instructor of record for an approved core program; and

3. Accumulation of 15 elective credits over a period of 36 consecutive months, which shall not be earned in a program in which the person is serving as the **EMT**-Instructor.

i. An **EMT**-Instructor who is also certified as an **EMT**-Paramedic may satisfy the 15-credit requirement set forth in (a)3 above by maintaining **EMT**- Paramedic certification.

(b) Each program coordinator shall forward documentation to OEMS regarding the performance of the **EMT**-Instructor. Such documentation shall be forwarded to OEMS at least 90 calendar days prior to the expiration of the person's **EMT**- Instructor certification. When all required documentation has been received and is in order, the **EMT**-Instructor shall be recertified for a period of 36 months.

(c) Upon renewal, a new certification card shall be furnished free of charge. All requests for replacement cards must be submitted in writing <<-and accompanied by a certified bank check (for example, a cashier's check) or money order in the amount of \$5.00, made payable to "Treasurer, State of New Jersey." Requests sent via e-mail, facsimile or without the \$5.00 fee shall not be honored->>.

(d) Consistent with N.J.A.C. 8:40A-10.3(b), an applicant denied recertification as an **EMT**-Instructor shall be entitled to a hearing at the New Jersey Office of Administrative Law to contest the denial.

<< NJ ADC 8:40A-8.3 >>

8:40A-8.3 Expired certifications

(a) The requirements for certification of a person formerly certified as an **EMT**-Instructor whose certification has been expired for 36 months or less shall be as follows:

1. Possession of **EMT**-Basic certification;

2. Service as an **EMT**-Instructor Aide for at least 50 hours in ~~«-a basic-»~~ ~~«+an~~ ~~**EMT**-Basic+»~~ training program under the direct supervision of the program coordinator and Lead **EMT**-Instructor;

3. Accumulation of 15 elective continuing education credit hours; and

4. Endorsement of the program coordinator.

(b) A person formerly certified as an **EMT**-Instructor whose certification has been expired for more than 36 months shall, in addition to the requirements set forth in (a) above, be required to successfully complete the Department's Instructor Training Institute program.

SUBCHAPTER 9. CONTINUING EDUCATION PROGRAMS

<< NJ ADC 8:40A-9.1 >>

8:40A-9.1 Student qualifications

(a) The requirements for enrollment in, and to receive credit for, a continuing education session shall be as follows:

1. Attainment of the age of 16;

2. Possession of **EMT**-Basic and CPR certifications;

i. A person whose **EMT**-Basic certification is suspended shall not be permitted to enroll in a continuing education session; and

3. Physical capability to perform all required skills and tasks of an **EMT**- Basic student as cited in the United States Department of Transportation's **EMT**-Basic National Standard Curriculum.

<< NJ ADC 8:40A-9.2 >>

8:40A-9.2 Student attendance requirements

(a) Each student shall attend all required program sessions. Attendance shall be recorded on ~~«-an official session roster. Official session roster forms are-»~~ ~~«+an NJ CEU Attendance Verification form,+»~~ available from OEMS upon request. All ~~«-session rosters-»~~ ~~«+completed NJ CEU Attendance Verification forms+»~~ shall be sent to OEMS within 30 calendar days from the date of program completion. No student shall be credited with attendance at a session who:

1. Fails to attend the entire session;

2. Arrives more than 15 minutes late for the session;

3. Has been expelled from the session for disruptive behavior;

4. Leaves prior to the completion of the session;
5. Attends the session, but is unwilling to participate in the required activities and instruction for that session; or
6. Fails to sign the attendance sheet.

<< NJ ADC 8:40A-9.3 >>

8:40A-9.3 Application to offer a continuing education session

(a) A training agency that seeks to offer a continuing education session shall submit an official "Application for Approval of a Continuing Education Course" to OEMS for approval prior to offering or conducting any continuing education session. Applications shall be delivered to OEMS no later than 30 calendar days prior to the scheduled start of the session.

1. Incomplete and/or late applications shall be returned to the applicant and shall not be processed.

2. Applications for programs that do not demonstrate compliance with the requirements of this chapter shall be returned to the applicant with an explanation as to why the program is insufficient.

(b) Each application shall include:

1. The names and credentials of the instructional staff. Qualified instructional staff as utilized in this section means:

- i. Physicians;
- ii. Registered nurses;
- iii. Physician assistants;
- iv. **EMT**-Paramedics;
- v. Respiratory care practitioners;

<<-vi. Persons certified by the American Heart Association, the American Red Cross, the National Safety Council or other entity determined by the Department to comply with AHA CPR/AED Guidelines, for the purpose of instructing AED utilization, who may instruct, in accordance with the program curriculum identified at N.J.A.C. 8:40A-5.8, all aspects of AED utilization. These persons shall also have a minimum of one year of experience as a member of an organization providing pre-hospital emergency medical services;->>

<<-vii.->><<+vi.+>> **EMT**-Instructors; and

<<-viii.->><<+vii.+>> Persons with specialized training applicable to the topic;

2. The location, date and time of each program session;

3. The program outline, objectives and curriculum;

4. Copies of any handouts or texts to be utilized during the program;

5. Documentation that <<+core 13+>> practical skills sessions shall have an **EMT**-Instructor to student ratio of 1:6, or a ratio of 1:10 if the **EMT**- Instructor is assisted by an **EMT**-Instructor Aide;

6. A copy or description of the proposed final examination. The examination may be written, practical or both, depending on the nature of the program; and

7. Documentation that the program shall fall within the scope of practice for an **EMT**-Basic, as defined by the program curriculum.

(c) A training agency shall still be required to submit an application for a continuing education session even if the agency has previously offered the class with OEMS approval. The application form shall specify the date, times and location of the session, and shall identify all program instructors. The application shall also include the previous approval number for the program. If the program is proprietary, documentation that the applicant is authorized to conduct the program shall be submitted. No additional information shall be required.

1. A list of pre-approved programs is available from OEMS upon request. Training agencies seeking to offer pre-approved programs need only file an application with OEMS.

(d) Only those continuing education sessions issued an approval number by the Department shall qualify as a "training agency" for the purpose of reimbursement from the **EMT** Training Fund.

(e) Consistent with N.J.A.C. 8:40A-10.3(c), a training agency whose application to conduct a continuing education session has been denied shall be entitled to a hearing at the New Jersey Office of Administrative Law to contest the denial.

<< NJ ADC 8:40A-9.4 >>

8:40A-9.4 Instructional staff

(a) Each continuing education session shall be sufficiently staffed so as to provide for the instruction of students in the program materials.

(b) Program instructors for elective sessions shall demonstrate by experience and education that they possess a superior knowledge of the subject matter to be taught. This may be demonstrated by certification from another state or jurisdiction, certification from a nationally recognized organization, and by submission of a curriculum vitae that outlines the Program Instructor's education and experience relative to the subject matter.

<< NJ ADC 8:40A-9.5 >>

8:40A-9.5 Program curriculum

(a) There shall be two categories of continuing education, consisting of core curriculum and elective curriculum.

1. Core requirements are as follows:

i. The core portion of a continuing education program shall consist of the 12 individual sessions based upon the U.S.D.O.T. **EMT**-Basic National Standards Refresher Curriculum (that is, Core 1 through Core 12). Satisfactory completion of an approved continuing education program shall require completion of each of those 12 core sessions.

ii. Core lecture sessions may be conducted by an **EMT**-Paramedic, physician, nurse, etc., under the direction of an **EMT**-Instructor. However, the **EMT**-Instructor shall be responsible for endorsing and submitting all appropriate documentation as required by OEMS, as well as supervising the content and curriculum of each Core 1 through Core 12 session.

iii. The Core 12 session shall be conducted with an **EMT**-Instructor at each station, with an **EMT**-Instructor to student ratio of 1:6.

iv. Core 1 through Core 12 sessions shall not be duplicated or substituted.

v. An alternative to completion of each of the individual Core 1 to Core 12 sessions shall be completion of an approved Core 13 program, which covers the entire U.S.D.O.T. **EMT**-Basic National Standards Refresher Curriculum as part of a single, comprehensive program.

2. Elective requirements are as follows:

i. The elective portion of a continuing education program shall consist of training and instruction that serve to expand upon the areas that have been identified as part of the responsibilities of the **EMT**-Basic. These programs may include, but are not limited to, programs that expand upon the program curriculum within the scope of practice of an **EMT**-Basic, provide information on topics which are reflected in the roles, responsibilities and duties of the **EMT**-Basic, and other programs that reflect areas that have been identified by the Department as appropriate for **EMT**-Basics.

ii. No elective session shall be substituted for any required core session, nor shall core credit be granted for programs that are approved as elective sessions.

(b) Programs that meet the requirements of this chapter shall be issued an approval number and awarded a specific number of credits. The award of credits shall be as follows:

1. Each individual core session--2.0 credits;

2. Complete Core 13 program--24.0 credits; and

3. Elective sessions--1.0 credit per hour of relevant lecture, and 0.5 credit per hour of relevant practical skills sessions.

(c) Under no circumstances shall a session last longer than eight consecutive hours during any 24-hour period.

<< NJ ADC 8:40A-9.6 >>

8:40A-9.6 Reporting requirements

(a) Each training agency shall provide the Department with the number of enrolled students no later than 30 calendar days after the completion of the program.

(b) Each training agency shall forward completed <<-sign in sheets and attendance verification->> <<+NJ CEU Verification forms+>> and/or data to the OEMS Continuing Education Coordinator. All information shall be delivered to OEMS within 30 calendar days after the completion of the program.

SUBCHAPTER 10. SCOPE OF PRACTICE, ENFORCEMENT ACTIONS AND HEARINGS

<< NJ ADC 8:40A-10.1 >>

8:40A-10.1 Scope of practice

(a) **EMT**<<-s->>-Basic<<+s+>> shall operate within their approved scope of practice.

(b) The following skills and procedures are within the approved scope of practice for an **EMT**-Basic:

1. Patient assessment, including vital signs and ongoing evaluation;
2. Pulmonary or cardiopulmonary resuscitation and foreign body airway obstruction management;
3. Oxygen administration;
4. Oropharyngeal <<-or->> <<+and+>> nasopharyngeal airway insertion;
5. <<-Oropharyngeal and nasopharyngeal suctioning->> <<+Oropharyngeal, nasopharyngeal and tracheal suctioning+>>;
6. Assessment and management of cardiac, respiratory, diabetic shock, behavioral and heat/cold emergencies, as prescribed within the National Standard Curriculum for **EMT**-Basics;
7. Emergency treatment for bleeding, burns, poisoning, seizures, soft tissue injuries, chest-abdominal-pelvic injuries, muscle and bone injuries, eye injuries and childbirth (including care of the newborn), as prescribed within the National Standard Curriculum for **EMTs**-Basic;
8. Application of spinal immobilization devices and splinting materials, including traction splints;

9. Basic triage and basic maneuvers to gain access to the patient;
10. Patient lifting and moving techniques;
11. AED utilization;
12. Assisting an **EMT**-Paramedic, registered nurse or physician; and
13. Assisting a patient to administer drugs previously prescribed for that patient, limited to:
 - i. Prescribed metered dose inhaler;
 - ii. Sublingual nitroglycerin;
 - iii. Epinephrine auto injector.

<< NJ ADC 8:40A-10.2 >>

8:40A-10.2 Enforcement actions

(a) The Commissioner, or his or her designee, may summarily suspend a person's **EMT**-Basic and/or **EMT**-Instructor certification when, in his or her opinion, the continued certification of that person poses an immediate or serious threat to the public health, safety or welfare.

1. A person whose **EMT**-Basic and/or **EMT**-Instructor certification has been summarily suspended shall have the right to apply for emergency relief, as provided for at N.J.A.C. 8:40A-10.3(a).

(b) The Commissioner, or his or her designee, may issue a formal written warning, impose a monetary penalty, place on probation, suspend, revoke and/or refuse to issue or renew the certification of any **EMT**-Basic or **EMT**-Instructor for violation of any of the rules set forth in this chapter. This <<-shall include->> <<+includes+>>, but is not limited to:

1. Demonstrated incompetence or inability to provide adequate services;
2. Deceptive or fraudulent procurement of certification or recertification credentials and/or documentation;
3. Negligent practice;
4. Acting beyond the approved scope of practice of an **EMT**-Basic;
5. Abuse or abandonment of a patient;

6. Rendering of services while under the influence of any substance that substantially compromises a person's decision-making abilities (including, but not limited to, alcohol or narcotics);

7. Operation of any emergency medical services vehicle (including, but not limited to, an MAV, BLS ambulance or SCTU) in a reckless or grossly negligent manner or while under the influence of any substance that substantially compromises a person's decision-making abilities (including, but not limited to, alcohol or narcotics);

8. Unauthorized disclosure of medical or other confidential patient information;

9. Willful preparation or filing of false medical reports, or the inducement of others to do so;

10. Destruction of medical records, including but not limited to, patient care reports or other records or reports required by the Department;

11. Refusal to respond to a call or to render medical services while on duty because of a patient's race, sex, creed, national origin, sexual preference, age, disability, medical condition or ability to pay;

12. Conviction of any crime;

13. Conviction of any disorderly persons offense;

14. Conviction of a petty disorderly persons offense involving the possession, utilization, sale and/or distribution of any controlled dangerous substance; representing a risk of harm to the health, safety or welfare of patients; and/or involving patient abuse or patient neglect;

15. Entry into a pre-trial intervention, conditional discharge, or other diversionary program;

16. Misuse, misappropriation or theft of any drug, medication or equipment;

17. Willful obstruction of any investigation and/or representative of the Department or other agency empowered to enforce the provisions of this chapter or any applicable law, rule and/or regulation;

18. Failure to comply with any of the patient reporting requirements of this chapter;

19. Suspension or revocation of **EMT**-Basic or **EMT**-Paramedic certification, or any similar or advanced medical certification or license issued by the State of New Jersey or any other state, agency, authority or governmental entity;

20. Making verbal and/or physical threats against any person while acting in the

capacity of an **EMT-Basic**;

<<-21. Failure to provide appropriate BLS care and/or to recognize the need for and to provide for ALS intervention;->>

<<-22.->><<+21.+>> Making material misrepresentations or providing false information on the NREMT-Basic Certification Examination and/or an application for **EMT-Basic**, **EMT-Instructor** or **EMT-Paramedic** certification or recertification;

<<-23.->><<+22.+>> Failure to complete continuing education and performance standards as required by this chapter;

<<-24.->><<+23.+>> Failure to comply with any part of this chapter, any applicable part of N.J.A.C. 8:40 or N.J.A.C. 8:41, or any applicable law, rule and/or regulation; and/or

<<-25.->><<+24.+>> Any other action deemed by the Department to pose a threat to the public health, safety or welfare.

(c) No person shall serve in the capacity of an **EMT-Basic** on any MAV, BLS ambulance or SCTU once his or her **EMT-Basic** certification has been revoked. No person shall be enrolled in <<-a basic->> <<+an **EMT-Basic**+>> training program once his or her **EMT-Basic** certification has been revoked.

(d) No person shall serve in the capacity of an **EMT-Basic** on any MAV, BLS ambulance, MICU, SCTU or AMU while his or her certification is suspended. The suspension shall last for a specified period, and may be followed by a probationary period.

(e) An **EMT-Basic** who has been placed on probation may be monitored for performance by the Department.

1. A person who has been placed on probation shall operate only when under the direct supervision of an **EMT-Basic** or **EMT-Paramedic**. Under no circumstances may a person who has been placed on probation act independently or in conjunction with, or on the same MAV, BLS ambulance or SCTU as, another probationary **EMT-Basic**.

2. The Department shall have the right to restrict or otherwise limit the scope of practice of the probationer. Failure to meet such conditions or any terms of probation shall be cause for revocation of certification and/or other such action the Department deems appropriate.

(f) Monetary penalties may be imposed in the amount of \$200.00 per calendar day, per infraction.

1. Violations shall be considered as a single, different occurrence for each calendar day the violation occurs or remains uncorrected.

2. Subsequent violations of the same type may be subject to a penalty of \$500.00 per calendar day, per infraction.

3. In the event that a person is in arrears of any monetary penalty greater than

60 calendar days, the Department may:

i. Refuse to issue any certification or renewal;

ii. Refer the delinquent account to the Office of the Attorney General for collection; and/or

iii. Take such other action as authorized by law, rule and/or regulation.

(g) The Department shall notify all mobility assistance vehicle services, basic life support ambulance services and specialty care transport services that employ, or are thought to employ, any **EMT**-Basic against whom an enforcement action is being taken.

(h) No person shall have any action taken against his or her **EMT**-Basic or **EMT**-Instructor certification, excluding an emergent situation as described in (a) above, unless that person has first been afforded an opportunity for a hearing in accordance with N.J.A.C. 8:40A-10.3(a).

(i) Any actions taken under this section shall be separate from any civil, criminal or other judicial proceeding, including actions against licenses of health care professionals issued by other departments or boards. All matters of professional misconduct shall be referred to the appropriate licensing boards, and all matters of a criminal nature shall be forwarded to the appropriate authorities for disposition. Action taken against an **EMT**-Basic does not preclude any action that may be taken against a mobility assistance vehicle service, basic life support ambulance service or specialty care transport service for the same infraction.

<< NJ ADC 8:40A-10.3 >>

8:40A-10.3 Hearings

(a) A person whose **EMT**-Basic and/or **EMT**-Instructor certification has been summarily suspended shall, consistent with N.J.A.C. 1:1-12.6, have the right to apply to the Commissioner for emergency relief.

1. A request for emergency relief shall be submitted in writing and shall be accompanied by a response to the charges contained in the "Notice of Summary Suspension." Failure to submit such written notice shall result in the person forfeiting all rights to emergency relief.

2. All applications for emergency relief will be handled in accordance with N.J.A.C. 1:1-12.6(c).

3. Unless emergency relief is granted, the summary suspension shall remain in effect until such time as Department staff has conducted a full investigation into the circumstances that formed the basis for the summary suspension. Nothing herein shall be construed to prevent the Commissioner from simultaneously or thereafter moving to suspend or revoke the person's certification, issuing a formal written warning, imposing a probationary period and/or imposing a monetary penalty.

(b) If the Department proposes to issue a formal written warning, assess a monetary penalty, impose a probationary period and/or to suspend, revoke or refuse to issue or renew an **EMT**-Basic or **EMT**-Instructor certification, the person affected shall be afforded an opportunity for hearing to contest the proposed action.

1. All warnings, monetary assessments, probationary periods, suspensions (excluding summary suspensions) and revocations shall become effective 30 calendar days after mailing of a notice of the proposed action unless the person affected, within such 30-day period, gives written notice to the Department of his or her desire for a hearing. Failure to submit such written notice shall result in the person forfeiting all rights to such a hearing.

i. Upon the filing of such written notice, the warning, assessment, probationary period, suspension (excluding summary suspensions) or revocation shall be held in abeyance until such time as the hearing has been concluded and a final decision has been rendered.

2. Refusals to issue or renew an **EMT**-Basic or **EMT**-Instructor certification shall become effective immediately. In the event that a person desires to contest the Department's refusal to issue or renew a certification, the person shall give written notice to the Department within the 30-day period immediately following that refusal of <<-its->> <<+his or her+>> desire for a hearing. Failure to submit such written notice shall result in the person forfeiting all rights to such a hearing.

i. In the event that a person requests a hearing, the certification shall not be issued or shall remain invalid, as applicable, until such time as the hearing has been concluded and a final decision has been rendered.

(c) An applicant denied certification as a training agency, a training agency whose application for program/session approval has been denied or a training agency whose certification the Department proposes to suspend or revoke shall be afforded an opportunity for hearing at the New Jersey Office of Administrative Law to contest the action.

1. All suspensions and revocations shall become effective 30 calendar days after mailing of a notice of the proposed suspension or revocation unless the training agency, within such 30-day period, gives written notice to the Department of its desire for a hearing. Failure to submit such written notice shall result in the training agency forfeiting all rights to such a hearing.

i. In the event that a hearing is requested, the suspension (excluding summary suspensions) or revocation shall be held in abeyance until such time as the hearing has been concluded and a final decision has been rendered.

2. Denial of training agency certification and denial of program/session approval shall become effective immediately.

(d) The procedures governing all hearings shall be conducted in accordance with the New Jersey Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and the New Jersey Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(e) All enforcement shall be considered public information and shall be posted on the OEMS website (www.state.nj.us/health/ems) as a public notice.

1. Formal written warnings<<- , monetary penalties, proposed probationary periods, proposed suspensions and proposed revocations->> <<+and summary suspensions+>> shall be posted 10 days after they are issued. <<-Summary suspensions->> <<+Monetary penalties, proposed probationary periods, proposed suspensions and proposed revocations+>> shall be posted <<- 10->> <<+30+>> days after they are

issued. In those instances where a hearing has been requested, the enforcement action shall not be posted to the OEMS website until <<-such time as->> the hearing has been concluded and a final decision has been rendered.

2. Once posted, enforcement actions shall remain on the OEMS website as follows:

i. Monetary penalties: One year from the date on which the notice is posted;

ii. Suspensions (summary and non-summary): One year from the date on which the notice is posted or for the duration of the suspension, whichever is greater; and

iii. Revocations: Permanently.

<< NJ ADC 8:40A-10.4 >>

8:40A-10.4 Penalty for impersonating an **EMT**-Basic or **EMT**-Instructor

(a) Consistent with N.J.A.C. 8:40A-7.1(a) and 8.1(a), no person shall impersonate, refer to himself or herself as, act in the capacity of or perform the duties of, an **EMT**-Basic or **EMT**-Instructor unless he or she is certified or recognized by the Department in accordance with the standards set forth in this chapter.

1. Upon notice or discovery that a person is impersonating, referring to himself or herself as, or acting in the capacity of an **EMT**-Basic without having first obtained the required **EMT**-Basic or **EMT**-Instructor certification or recognition or after revocation of an **EMT**-Basic or **EMT**-Instructor certification previously issued by the Department, the Commissioner or his or her designee may issue an order directing that person to immediately cease and desist.

i. Failure to comply with an order to cease and desist may result in an action by the Department for injunctive relief in the Superior Court of New Jersey.

ii. The order to cease and desist shall constitute a final agency decision. As such, pursuant to New Jersey Court Rule 2:2-3, any appeal from the Commissioner's order to cease and desist shall be filed with the Superior Court of New Jersey, Appellate Division.

iii. Orders to cease and desist shall be considered public information and shall be posted on the OEMS website (www.state.nj.us/health/ems) as a public notice. Orders to cease and desist shall remain posted on the OEMS website permanently or until such time as **EMT**-Basic or **EMT**-Instructor certification is issued or recognized by the Department.

2. In addition to the issuance of an order to cease and desist, the Commissioner or his or her designee may:

i. Impose a monetary penalty in the amount of \$200.00 per calendar day for each day that a person is found to have impersonated, referred to him or herself as, or acted in the capacity of, an **EMT**-Basic or **EMT**-Instructor;

ii. Refuse to issue or renew any subsequent **EMT**-Basic and/or **EMT**-Instructor

certifications; and/or

iii. Impose additional training requirements and/or place additional conditions or restrictions on any subsequent **EMT**-Basic or **EMT**-Instructor certification.

36 N.J.R. 3117(b)
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