SECTION I. AIR AMBULANCES.

License required:

It shall be unlawful for any ambulance service provider, agent or broker to provide or arrange for air ambulance service originating in this State unless such ambulance service meets the provisions this State’s Emergency Medical Services Laws and these Regulations.

Any air ambulance provider based in this State must be licensed as required by these rules. Out-of-state air ambulances transporting patients from within this State must be licensed in their home state. Any ambulance provider originating 10 or more flights in this State must be licensed by this state, regardless of any out-of-state licensure. Out-of-state air ambulances operating from any jurisdiction where no license is available must obtain a license in this State.

A. Air Ambulance Licensing Requirements:

The Department may grant an air ambulance license to applicant meeting all the following requirements:

1. Application

Applications shall be made on forms approved by the State EMS Office and available on the State EMS website. The application shall include at least the following information:

   a) The name and nature of the ownership entity, e.g.: a private corporation, LLC, Not-for-profit corporation, etc.
   b) A primary contact person
   c) The names of all corporate or organizational owners
   d) The names and contact information of the officers and Boards of Directors;
   e) FAA certificate holder information, including a copy of the certificate;
   f) Locations of all bases of operations to be covered under the license;
   g) The proposed service area for each base;
   h) The level of proposed service, e.g.: BLS, ALS, Critical Care or Specialty Care,
   i) Name, license and contact information for the program’s medical director(s)

2. Insurance.

Each licensed air ambulance operator shall carry an air ambulance insurance policy with insurers licensed in this State, consistent with the requirements for ground ambulance services.

   a) The policy shall provide payment for any loss or damage resulting from any occurrence arising out of or caused by the medical treatment or operation or use of any of the operator's aircraft
   b) The policy shall cover malpractice, bodily injury and property damage.
   c) Each aircraft shall be insured for the sum of at least $1,000,000 for injuries to or death of any one person arising out of any one incident and the sum of at least $3,000,000 all covered costs for any one incident.
d) Every insurance policy or contract for such insurance shall provide for the payment and satisfaction of any financial judgment entered against the operator and present insured, or any person flying the insured aircraft.
e) All such insurance shall provide thirty-day cancellation notice to the Department.

3. Advertising

The applicant shall submit examples of marketing campaigns to be utilized in the proposed service area for approval. Part or all of the proposed marketing may be disapproved if:

a) All modes of transport advertised are not duly licensed by the State.
b) The identity of the Part 135 operator is not evident to the public
c) Actual types of aircraft licensed to the provider are not used in materials
d) The Level of licensure being sought is not congruent with advertised services

4. Subscription programs

The applicant shall submit subscription programs for approval. The Department may disapprove such programs if:

a) The program benefits and restrictions are not clearly explained
b) Disclosures are not made concerning requirements for services and discounts
c) The applicant does not provide a written plan of action should the applicant cease business
d) The applicant is demonstrably unable to provide services as described throughout the service area

5. Credentialing of air ambulance personnel

a) The applicant shall provide policies for credentialing personnel. The Department may approve policies including at least the following:

i) Job descriptions for each clinical and operational position including any fitness for duty requirements
ii) A written policy for screening applicants for required qualifications and assessing knowledge, skills and experience.
iii) A written policy for an orientation process that meets the scope of service of the provider.
iv) A written policy for ongoing competency evaluations

6. Air Ambulance Administration plan

a) The applicant shall provide a complete business plan on forms approved by the Department and available on the State EMS website. The Department may approve a business plan demonstrating at least the following elements:

b) Financial resources sufficient to sustain operations for at least one year with qualified staff for the proposed level of service and in the proposed service area(s),
c) An organizational chart demonstrating clear lines of ownership, administrative authority and responsibility
d) Policies to ensure any ancillary ground transport is safe and appropriate for specific patient medical needs
e) Policies that insure compliance with federal EMTALA regulations and other relevant federal, state, and local laws
f) Sufficient owned or leased aircraft to respond to at least 75% of transport requests within the program’s proposed service area, exclusive of mutual aid, weather and maintenance restrictions.
g) Communications capacities sufficient to ensure clear consistent communication with aircraft and destination facilities, and providing flight following,
h) Policies and procedures including
   i) Personnel Management
   ii) Marketing policies
   iii) Medical Direction including:
   iv) Protocols and procedures consistent with the Statewide standard of care
   v) Organized review and reporting of Medical care:
   i) A quality management processes, to include
      i) Utilization review, establishing appropriateness of aircraft use
      ii) A non-punitive concern reporting system
      iii) Physician oversight of medical review
      iv) Qualified oversight of safety and compliance
      v) Tracking and trending of appropriate medical and safety indicators
j) Ethical conduct and practices

7) Data Reporting
   a) The applicant shall submit a plan for data reporting. The Department may approve plans that demonstrate the ability to:
      i) Comply with all required State EMS data reporting requirements, including NEMSIS
      ii) Maintain a log of all flights including hours flown by all owned or leased aircraft.
      iv) Provide Business Associate Agreements as may be necessary between the applicant and the Part 135 vendor if aircraft are not operated directly by the applicant.

8. Deemed Status
   a) The Department may recognize accreditation from national accrediting bodies as evidence of partial or full compliance with appropriate state rules. Additional requirements may be imposed if state standards exceed those set by the accrediting body.

9. Medical Control
   (a) The applicant shall identify a Physician Medical Director, licensed and authorized to practice in the United States, who is responsible and accountable for oversight of the quality of medical care provided by medical personnel.
   (b) The Department may approve a medical director employed or contracted by the applicant to for least the following purposes:
      i) Practice and have expertise in emergency, critical care and/or critical care transport,
      ii) Demonstrate education and expertise for specific populations identified by scope of service (i.e. pediatric, neonatal, trauma, etc) OR;
      iii) Designate and ensure availability of specialty specific consultants for these populations,
      iv) Provide medical oversight for the service’s Quality Management Program,
      v) Provide medical oversight for the hiring, training and continuing education of all medical service personnel
(vi) Orient and provide additional quality management for any additional physicians providing on-line/in-transport medical direction as to the policies, procedures and patient care protocols of the service.

(vii) Establish protocols and practices for medical care under standard operating procedures and define circumstances requiring on-line medical control.

(viii) Maintain communications with referring and accepting physicians and service medical personnel and be accessible for any concerns regarding patient management.

(ix) Be permitted access to medical records for referring institutions, EMS systems, and receiving institutions for the purposes of quality management and utilization review.

(x) Have substantive involvement in high level service management including non-medical operations.

(xi) Supervise a Utilization Review process including prospective, concurrent and/or retrospective trending and tracking of requesting and receiving providers, evaluating appropriate use of air medical resources and personnel as described in Section II-Utilization, of these rules.

10. Destination protocols

(a) The applicant shall submit destination protocols for transport of patients to the most appropriate receiving institutions,

(b) Protocols shall demonstrate consideration of timeliness, distance and capabilities and the appropriate crew configuration for patient specific needs regardless of transport modality.

(c) Protocols shall demonstrate consideration of the most appropriate means (i.e. fixed wing, rotor wing, or ground) for transportation.

(d) Protocols shall be consistent with regional health care system guidelines for time-critical conditions such as Trauma, Stroke, STEMI care, Pediatric Care, etc.

11. Patient Care Protocols

(a) The applicant shall submit patient care protocols for approval. The Department Medical Director may approve protocols that are consistent with State protocols.

(b) The applicant will provide policies ensuring review and update of patient care protocols under the supervision of the medical director at least biannually, as follows:

   (i) Protocol revisions will be evaluated to determine relative benefit

   (ii) Protocol compliance will be monitored and documented

   (iii) A policy and process for remediation or dismissal for service personnel not in compliance with protocols will be established and maintained

12. Transfer of care

Applicant shall submit protocols for receiving patients from sending institutions, first responders, or ground units and for transfer of care to any additional transport units or receiving institutions.

The applicant shall also submit a plan to communicate such protocols with the appropriate agencies, and to ensure compliance with federal laws regarding patient transfers and patient privacy.