

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

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

4 (a) The Department shall amend any EMS Provider license by reducing it from a full license to a provisional license
5 whenever the Department finds that:

- 6 (1) the licensee failed to comply with the provisions of G.S. 131E, Article 7, and the rules adopted
7 under that article;
8 (2) there is a reasonable probability that the licensee can remedy the licensure deficiencies within a
9 reasonable length of time; and
10 (3) there is a reasonable probability that the licensee will be able thereafter to remain in compliance
11 with the licensure rules for the foreseeable future.

12 (b) The Department shall give the licensee written notice of the amendment of the EMS Provider license. This
13 notice shall be given personally or by certified mail and shall set forth:

- 14 (1) the length of the provisional EMS Provider license;
15 (2) the factual allegations;
16 (3) the statutes or rules alleged to be violated; and
17 (4) notice to the EMS provider's right to a contested case hearing on the amendment of the EMS
18 Provider license.

19 (c) The provisional EMS Provider license is effective immediately upon its receipt by the licensee and shall be
20 posted in a prominent location at the primary business location of the EMS Provider, accessible to public view, in
21 lieu of the full license. The provisional license remains in effect until the Department:

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

24 (d) The Department shall revoke or suspend an EMS Provider license whenever the Department finds that the
25 licensee:

- 26 (1) failed to comply with the provisions of G.S. 131E, Article 7, and the rules adopted under that
27 article and it is not reasonably probable that the licensee can remedy the licensure deficiencies
28 within 12 months or less;
29 (2) failed to comply with the provisions of G.S. 131E, Article 7, and the rules adopted under that
30 Article and, although the licensee may be able to remedy the deficiencies, it is not reasonably
31 probable that the licensee will be able to remain in compliance with licensure rules for the
32 foreseeable future;
33 (3) failed to comply with the provision of G.S. 131E, Article 7, and the rules adopted under that
34 article that endanger the health, safety or welfare of the patients cared for or transported by the
35 licensee;
36 (4) obtained or attempted to obtain an ambulance permit, EMS nontransporting vehicle permit, or
37 EMS Provider license through fraud or misrepresentation;

1 (5) repeated deficiencies placed on the EMS Provider License in previous compliance site visits;

2 (6) failed to provide emergency medical care within the defined EMS service area in a timely manner
3 as determined by the EMS System;

4 (7) altered, destroyed, attempted to destroy, withheld or delayed release of evidence, records, or
5 documents needed for a complaint investigation; or

6 (8) continues to operate within an EMS System after a Board of County Commissioners has
7 terminated its affiliation with the licensee.

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

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11 *History Note: Authority G.S. 131E-155.1(d); 143-508(d)(10);*
12 *Eff. January 1, 2013.*