

1 10A NCAC 13P .1502 is amended with changes as published in 30:24 NCR, pp. 2558-2606, as follows:

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

4 (a) The OEMS shall deny an initial or renewal EMS Provider license for any of the following reasons:

- 5 (1) significant failure to comply, as defined in Rule .0102(45) of this Subchapter, with the applicable  
6 licensing requirements [as found] in Rule .0204 of this Subchapter;  
7 (2) making false statements or representations to the OEMS or willfully concealing information in  
8 connection with an application for licensing;  
9 (3) tampering with or falsifying any record used in the process of obtaining an initial license or in the  
10 renewal of a license; or  
11 (4) disclosing information as defined in Rule .0223 of this [Subchapter,] Subchapter that is  
12 determined by OEMS staff based upon review of documentation, to disqualify the applicant from  
13 licensing.

14 ~~(a)~~ (b) The Department shall amend any EMS Provider license by ~~reducing it~~ amending it to reduce the license from  
15 a full license to a provisional license whenever the Department finds that:

- 16 (1) the licensee failed to comply with the provisions of G.S. 131E, Article 7, and the rules adopted  
17 under that ~~article;~~ Article;  
18 (2) there is a reasonable probability that the licensee can ~~remedy the licensure deficiencies~~ take  
19 corrective measures to resolve the issue of non-compliance with Rule .0204 of this Subchapter,  
20 and be able thereafter to remain in compliance within a reasonable length of ~~time;~~ and time  
21 determined by OEMS [staff, and] staff on a case-by-case basis; and  
22 (3) there is a ~~reasonable probability~~ probability, determined by OEMS staff using their professional  
23 [judgement] judgement, based upon analysis of the licensee's ability to take corrective measures to  
24 resolve the issue of non-compliance with the licensure rules, that the licensee will be able  
25 thereafter to remain in compliance with the licensure ~~rules for the foreseeable future.~~ rules.

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

- 28 (1) the ~~length~~ duration of the provisional EMS Provider license;  
29 (2) the factual allegations;  
30 (3) the statutes or rules alleged to be violated; and  
31 (4) notice of the EMS provider's right to a contested case ~~hearing~~ hearing, as set forth in Rule .1509 of  
32 this Subchapter, on the amendment of the EMS Provider license.

33 ~~(c)~~ (d) The provisional EMS Provider license is effective ~~immediately~~ upon its receipt by the licensee and shall be  
34 posted in a location at the primary business location of the EMS Provider, accessible to public view, in lieu of the  
35 full license. ~~The~~ Pursuant to G.S. 131E-155.1(d), the provisional license remains in effect until the Department:

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

1 ~~(d)~~ (e) The Department shall revoke or suspend an EMS Provider license whenever the Department finds that the  
 2 licensee:

- 3 (1) failed to comply with the provisions of G.S. 131E, Article 7, and the rules adopted under that  
 4 ~~article~~ Article and it is not ~~reasonably~~ probable that the licensee can remedy the licensure  
 5 deficiencies within 12 months or less;
- 6 (2) failed to comply with the provisions of G.S. 131E, Article 7, and the rules adopted under that  
 7 Article and, although the licensee may be able to remedy the deficiencies, it is not ~~reasonably~~  
 8 probable that the licensee will be able to remain in compliance with licensure ~~rules for the~~  
 9 ~~foreseeable future;~~ rules;
- 10 (3) failed to comply with the provision of G.S. 131E, Article 7, and the rules adopted under that  
 11 ~~article~~ Article that endanger the health, ~~safety~~ safety, or welfare of the patients cared for or  
 12 transported by the licensee;
- 13 (4) obtained or attempted to obtain an ambulance permit, EMS nontransporting vehicle permit, or  
 14 EMS Provider license through fraud or misrepresentation;
- 15 (5) ~~repeated~~ continues to repeat the same deficiencies placed on the ~~EMS Provider License~~ licensee in  
 16 previous compliance site visits;
- 17 (6) ~~failed~~ has recurring failure to provide emergency medical care within the defined EMS service  
 18 area in a ~~timely~~ manner as determined by the EMS ~~System;~~ [System pursuant to G.S. 153A-250;]
- 19 (7) ~~failed to disclose or report information in accordance with Rule .0223 of this Subchapter;~~
- 20 (8) ~~[is]~~ was deemed by OEMS to place the public at risk because the owner or any officer or agent ~~[is]~~  
 21 ~~was~~ convicted in any court of a crime involving fiduciary misconduct or a conviction of a felony;
- 22 (7) (9) altered, destroyed, attempted to destroy, ~~withheld~~ withheld, or delayed release of evidence,  
 23 records, or documents needed for a complaint ~~investigation;~~ investigation being conducted by the  
 24 OEMS; or
- 25 (8) (10) continues to operate within an EMS System after a Board of County Commissioners has  
 26 terminated its affiliation with the ~~licensee.~~ licensee, resulting in a violation of the licensing  
 27 requirement set forth in Rule ~~[0204(b)(1)]~~ .0204(a)(1) of this Subchapter.

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

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

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

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

1                   *Eff. January 1, 2013;*  
2                   *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February*  
3                   *2, ~~2016.~~ 2016.*  
4                   *Amended Eff. January 1, 2017.*