

**CHAPTER 1007. LICENSING OF AIR AMBULANCE
SERVICES—ROTORCRAFT**

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Authority

The provisions of this Chapter 1007 issued under the Emergency Medical Services Act (35 P. S. §§ 6921—6938), unless otherwise noted.

Source

The provisions of this Chapter 1007 adopted June 30, 1989, effective July 1, 1989, 19 Pa.B. 2843, unless otherwise noted.

Cross References

This chapter cited in 28 Pa. Code § 1001.2 (relating to definitions).

§ 1007.1. General provisions.

(a) This chapter applies to air ambulance services. No person, or other entity, as owner, agent or otherwise, may furnish, operate, conduct, maintain, advertise, engage in or profess to engage in providing an air ambulance service in this Commonwealth, unless the agency or person holds a license as an air ambulance service issued by the Department or is exempted from these prohibitions under the act.

(b) The Department will license an applicant as an air ambulance service when it meets the requirements of the act and this part.

(c) A hospital licensed under Chapter 8 of the Health Care Facilities Act (35 P. S. §§ 448.801—448.820) is not required to obtain a separate air ambulance service license to own and operate an air ambulance service. An air ambulance service owned and operated by a hospital is subject to the act and this part, and shall be inspected under this part, regardless of whether the hospital applies for or secures licensure as an air ambulance service.

(d) The Department will issue a certificate acknowledging a hospital's authority to own and operate an air ambulance service if the hospital chooses to operate an air ambulance service without securing a separate license to do so.

(e) Those provisions in §§ 1005.2a, 1005.3—1005.5, 1005.7a, 1005.8, 1005.9, 1005.11, 1005.13 and 1005.15, which apply to ground ALS ambulance services, also apply to air ambulance services.

Source

The provisions of this § 1007.1 amended October 13, 2000, effective October 14, 2000, 30 Pa.B. 5363. Immediately preceding text appears at serial page (256639).

§ 1007.2. Applications.

(a) An application for an original or renewal license to operate as an air ambulance service shall contain the following information, as well as any additional information that may be solicited by the application form:

- (1) The name and address of the applicant and the name, if different, under which the applicant intends to operate.
- (2) The FAA certification number of the aircraft operator.
- (3) The type of organization—profit or nonprofit.
- (4) A description of each aircraft to be used as an air ambulance, including the make, model, year of manufacture, FAA registration number, name, monogram or other distinguishing designation and FAA air worthiness certification.
- (5) The intended emergency medical service area and the location and description of the places from which the air ambulance service is to operate.
- (6) The name, training and qualifications of the air ambulance medical director.
- (7) A personnel roster which includes level of certification, licensure and recognition, and a staffing plan.
- (8) A roster of pilots including training and qualifications.
- (9) The communications access and capabilities of the applicant.
- (10) Names, titles and summary of responsibilities of persons who will be staffing the air ambulance service as officers, directors or other air ambulance service officials, and information as to any misdemeanor or felony convictions, or disciplinary sanctions against licenses, certifications, or other authorizations to practice a health care occupation or profession, that have been imposed against them.
- (11) A statement attesting to the veracity of the application, which shall be signed by the chief executive officer.

(b) An entity shall apply for a license as an air ambulance service or an amendment to a license as an air ambulance service, and a regional EMS council shall process those applications, as set forth in § 1005.2(b)—(e) (relating to applications).

Source

The provisions of this § 1007.2 amended September 1, 1995, effective September 2, 1995, 25 Pa.B. 3685; amended October 13, 2000, effective October 14, 2000, 30 Pa.B. 5363. Immediately preceding text appears at serial pages (256639) to (256640).

§ 1007.3. [Reserved].**Source**

The provisions of this § 1007.3 reserved October 13, 2000, effective October 14, 2000, 30 Pa.B. 5363. Immediately preceding text appears at serial pages (256640) to (256641).

§ 1007.4. [Reserved].**Source**

The provisions of this § 1007.4 reserved October 13, 2000, effective October 14, 2000, 30 Pa.B. 5363. Immediately preceding text appears at serial page (256641).

§ 1007.5. [Reserved].**Source**

The provisions of this § 1007.5 reserved October 13, 2000, effective October 14, 2000, 30 Pa.B. 5363. Immediately preceding text appears at serial pages (256641) to (256642).

§ 1007.6. [Reserved].**Source**

The provisions of this § 1007.6 reserved October 13, 2000, effective October 14, 2000, 30 Pa.B. 5363. Immediately preceding text appears at serial page (256642).

§ 1007.7. Licensure and general operating requirements.

(a) *Documentation requirements.* An applicant for an air ambulance service license shall have the following documents available for the inspection by the Department:

(1) A roster of active personnel, including certification and recognition documentation with dates of expiration and identification numbers; documentation of medical command authorization decisions and the medical command status of personnel; identification of persons who are responsible for making operating and policy decisions for the air ambulance service, such as officers, directors and other ambulance service officials; and the criminal and disciplinary information for all persons who staff the ambulance service as required by subsections (d)(4) and (m); and the plan for staffing the air ambulance service.

(2) Copies of EMS patient care reports, or other formats on which those records are kept on patients treated or transported, if applicable.

(3) Call volume records from the previous year's operations if applicable. These records shall include a record of each call received requesting the air ambulance service to respond to an emergency, as well as a notation of whether it responded to the call and the reason if it did not respond.

(4) Copies of the written policies required by this section.

(b) *Air ambulance requirements.* An air ambulance shall meet the following minimum requirements:

- (1) The air ambulance shall be configured to carry at least one supine patient with sufficient access to the patient in order to begin and maintain ALS and other treatment modalities.
 - (2) The air ambulance design may not compromise patient safety in loading, unloading or during flight, and the air ambulance shall be equipped with either a cargo door or an entry that will allow loading and unloading the patient without excessive maneuvering.
 - (3) The air ambulance shall be climate controlled for the comfort of the patient.
 - (4) The air ambulance shall have adequate interior lighting so that medical care can be provided and patient status monitored without interfering with the pilot's vision.
 - (5) The air ambulance shall be configured so that the patient is isolated from the cockpit to minimize in-flight distractions to the pilot and to prevent interference with the pilot's manipulation of the flight controls.
 - (6) An air ambulance operating from sunset to sunrise shall be equipped with at least one tail rotor illuminating light and a controllable search light.
 - (7) The air ambulance shall carry, on a flight, survival gear appropriate to the expected terrain and environment.
 - (8) The air ambulance shall be equipped with appropriate patient restraints.
 - (9) The air ambulance shall be equipped with 110 V electrical output with appropriate cabin outlets for medical equipment use.
 - (10) The air ambulance shall be equipped with two-way radios capable of communicating with hospital communications centers, PSAPs and ambulances.
- (c) *Equipment and supply requirements.* Required equipment and supplies shall be carried and readily available in working order for use on an air ambulance. The list of required equipment and supplies for an air ambulance will be published by the Department in the *Pennsylvania Bulletin* on an annual basis.
- (d) *Personnel requirements.* An air ambulance service shall meet the following requirements related to personnel and staffing:
- (1) *Air ambulance medical director.* It shall have an air ambulance medical director who possesses the qualifications specified in § 1003.5(b) (relating to ALS service medical director) and performs the duties specified in § 1003.5(a).
 - (2) *Pilot and prehospital personnel.* It shall assure that each air ambulance responding to a call for EMS is staffed with at least one pilot and prehospital personnel as set forth in § 1005.10(d)(1)(ii) (relating to licensure and general operating standards). At least one of the responding prehospital personnel shall be specially trained in air-medical transport.
 - (3) *Other personnel requirements.*
 - (i) It shall keep a pilot and two prehospital personnel staff as set forth in § 1005.10(d)(ii) available for the air ambulance at all times to assure immediate response to emergency calls.

(ii) It shall require prehospital personnel who staff an air ambulance to undergo annual physical examinations to assure that they are physically able to perform their jobs.

(iii) Minimum staffing standards are satisfied when an air ambulance service has a duty roster that identifies staff who meet minimum staff criteria 24 hours-a-day, 7 days-a-week and who have committed themselves as being available or been assigned by the air ambulance service to be available at the specified times, and when minimum required staff are present during the emergency medical treatment and transport of a patient.

(4) *Responsible staff.* It shall ensure that all persons who staff the air ambulance service, including its officers, directors and other members of its management team, prehospital personnel, and pilots, are responsible persons. In making that determination it shall require each person who staffs the air ambulance service to provide it with information as to misdemeanor and felony convictions, and disciplinary sanctions against a license, certification or other authorization to practice a health care occupation or profession, that have been imposed against the person, and to update that information if additional convictions and disciplinary sanctions occur. It shall consider this information in determining whether the person is a responsible person. It shall also provide the Department with advance notice, 30 days if possible, of any change in its management personnel to include as a new member of its management team a person who has been convicted of a felony or misdemeanor or has had a disciplinary sanction imposed against a license, certification or other authorization to practice a health care occupation or profession.

(e) *Communicating with ground PSAPs.*

(1) If requested by a ground PSAP, an air ambulance service shall apprise the PSAP as to when it will not be in operation, when weather conditions prevent or impede flight, and when its resources are already committed.

(2) An air ambulance service shall apprise the dispatching ground PSAP as soon as practical after receiving a dispatch call, its estimated time of arrival at the scene of the emergency. While its air ambulance is enroute to the scene of an emergency, if an air ambulance service believes that it will not be able to have an air ambulance and required staff arrive at the emergency scene within the estimated time of arrival previously given, the air ambulance service shall contact the ground PSAP and provide its new estimated time of arrival.

(f) *Access to air ambulance service.*

(1) The air ambulance service shall have a policy which addresses the following:

(i) Who, in addition to a PSAP, may request air ambulance service.

(ii) How its air ambulance services should be accessed.

(iii) General and medical guidelines for personnel to consider prior to requesting its air ambulance services.

- (iv) To whom the air ambulance service provides its services, including general service area.
 - (v) What level of EMS is provided by the air ambulance service.
 - (vi) Patient preparation guidelines.
 - (vii) Aircraft enplanement and safety requirements.
- (2) The air ambulance service shall disseminate this policy to relevant health care providers in the air ambulance service's service area.
- (g) *Flight requirements.* The air ambulance service shall ensure that:
- (1) A determination to accept the flight is based solely on availability, safety procedures and weather conditions.
 - (2) The air ambulance proceeds expeditiously and as directly as possible to the flight destination, considering the weather, appropriate safety rules, noise abatement procedures and flight path and altitude clearances.
 - (3) The air ambulance engages in flight following with an air communications center at intervals not to exceed 15 minutes. If the air ambulance is outside of radio range of the base communications center, adequate flight following shall be planned and executed.
 - (4) The air ambulance is ready for flight at all times when the air ambulance service has not reported to ground PSAPs that the air ambulance is unavailable to respond to emergencies.
- (h) *Medical service requirements.* The air ambulance service shall ensure that:
- (1) Equipment and supplies required for an air ambulance flight are on the air ambulance and in working order prior to takeoff for patient transport.
 - (2) Medical care and intervention is provided according to direct medical command or written protocols/standing orders.
 - (3) A patient treatment record is maintained, documenting medical care rendered by the medical flight crew and the disposition of the patient at the receiving medical facility. The patient treatment record shall be maintained at the base hospital.
 - (4) Each patient is evaluated for potential adverse effects from flight operations.
 - (5) The patient and equipment are secured during flight.
 - (6) The patient is transported to the nearest appropriate receiving facility. That facility shall be a trauma center when required by Department-approved bypass protocols.
- (i) *Air ambulance medical director's operational requirements.* The air ambulance service shall have a policy setting forth the air ambulance medical director's operational procedures which shall include procedures for at least the following:
- (1) The performance of responsibilities set forth in § 1003.5(a).
 - (2) The development of medical treatment protocols for the air ambulance service, submitting them to the regional EMS council medical advisory com-

mittee for its review and recommendations, and securing approval of the medical treatment protocols from the Department.

(j) *Communication center arrangements.* The air ambulance service shall ensure that it has access to an air communications center that meets the following standards:

(1) Has a designated person—communications specialist—assigned to receive and dispatch requests for emergency air medical services and charged with the relay of information between the flight crew, requesting agency and receiving hospital.

(2) Is operational 24 hours-a-day, 7 days-a-week and has radio capabilities to transmit to and receive from the air ambulance. At a minimum, 123.05 MHz, radio frequency shall be available.

(3) Has at least one incoming telephone line that is dedicated to the air ambulance service.

(4) Has a system for recording incoming and outgoing telephone and radio transmissions. The system shall have an inherent time recording capability and recordings shall be kept for a minimum of 30 days.

(5) Has the capability of communicating with the flight crew so that the air ambulance may take off within the scheduled takeoff time.

(6) Has a backup emergency power source.

(7) Maintains a status board listing flight crew names and other pertinent operational information.

(8) Has copies of operational protocols and procedures, including emergency operation plans in the event of overdue, missing or downed aircraft.

(9) Has posted or displayed applicable licenses and permits.

(10) Maintains current maps and navigational aids.

(11) Collects and maintains records of the following data:

(i) The time of initial and subsequent air ambulance request calls.

(ii) The name of the party or agency requesting the air ambulance service and a verification phone number.

(iii) Pertinent patient medical information.

(iv) The names of referring and receiving physicians at hospitals.

(v) The landing and destination sites.

(vi) The details of needed ground transportation arrangements at pickup and landing sites.

(vii) The times and reasons for aborted or missed flights.

(viii) The details of coordination with ground personnel for landing and receipt of the aircraft.

(ix) Other data pertinent to the air ambulance service's specific needs for completing activity review reports.

(k) *Community education program requirements.*

(1) An air ambulance service shall develop a professional and community education program that will promote proper air medical service utilization.

(2) The educational program shall include the following:

(i) Communication to the public that the air ambulance service accepts medically necessary calls from authorized personnel and does not discriminate against a person because of race, creed, sex, color, age, religion, national origin, ancestry, medical problem, handicap or ability to pay.

(ii) A safety program covering landing site designation and safe conduct around the air ambulance, which shall be offered to appropriate agencies and individuals.

(iii) Training regarding stabilization and preparation of the patient for airborne transport, which shall be provided to prehospital personnel.

(iv) An active community relations program.

(l) *Medical command notification.* An air ambulance service shall identify, to the regional EMS council having responsibility in the region out of which it operates, the prehospital personnel used by it that have medical command authorization in the region for that air ambulance service. The service shall also notify the regional EMS council when a prehospital practitioner loses medical command authorization for that air ambulance service.

(m) *Monitoring compliance.* An air ambulance service shall monitor compliance with all requirements that the act and this part impose upon the air ambulance service and its staff. An air ambulance service shall file a written report with the Department if it determines that a prehospital practitioner who is a member of the air ambulance service, or who has recently left the air ambulance service, has engaged in conduct not previously reported to the Department, for which the Department may impose disciplinary sanctions under § 1003.27 (relating to disciplinary and corrective action). The duty to report pertains to conduct that occurs during a period of time in which the prehospital practitioner is functioning for the air ambulance service.

(n) *Policies and procedures.* An air ambulance service shall maintain written policies and procedures addressing each of the requirements imposed by this section, as well as the requirements imposed by §§ 1001.41, 1001.42, 1001.65 (relating to data and information requirements for ambulance services; dissemination of information; and cooperation) and Chapter 1051 (relating to out-of-hospital do-not-resuscitate orders) and shall also maintain written policies and procedures addressing infection control, management of personnel safety, substance abuse in the workplace, and the placement and operation of its air ambulances.

Authority

The provisions of this § 1007.7 amended under the Do-Not Resuscitate Act, 20 Pa.C.S. Chapter 54.

Source

The provisions of this § 1007.7 amended September 1, 1995, effective September 2, 1995, 25 Pa.B. 3685; amended October 13, 2000, effective October 14, 2000, 30 Pa.B. 5363; amended December 13, 2002, effective March 1, 2003, 32 Pa.B. 6117; amended February 6, 2004, effective February 7, 2004, 34 Pa.B. 677. Immediately preceding text appears at serial pages (269393) to (269396) and (294007) to (294009).

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Cross References

This section cited in 28 Pa. Code § 1007.8 (relating to grounds for suspension, revocation or refusal of an air ambulance license).

§ 1007.8. Disciplinary and corrective actions.

(a) The Department may, in compliance with proper administrative procedure, reprimand, or suspend, revoke or refuse to issue a license, or issue a provisional or temporary license as permitted by §§ 1005.8 and 1005.9 (relating to provisional license; and temporary license) for the following reasons:

- (1) A serious violation of the act or this part. A serious violation is one which poses a continued significant threat to the health and safety of the public.
- (2) Failure of the licensee or applicant to submit a reasonable timetable to correct deficiencies and violations cited by the Department.
- (3) The existence of a continuing pattern of deficiencies over a period of 3 or more years.
- (4) Fraud or deceit in obtaining or attempting to obtain a license.
- (5) Lending a license or borrowing or using the license of another, or knowingly aiding or abetting the improper granting of a license.
- (6) Incompetence, negligence or misconduct in operating the ambulance service or in providing EMS to patients.
- (7) Failure to secure an air ambulance medical director and ensure that the air ambulance medical director exercises the responsibilities in § 1003.5(a) (relating to ALS service medical director).
- (8) Failure to have appropriate medical equipment and supplies required for licensure as identified in § 1007.7(b) (relating to licensure and general operating requirements).
- (9) Failure of the air ambulance service to have an aircraft equipped in compliance with § 1007.7(a).
- (10) Failure of the aircraft operator to maintain required FAA certifications.
- (11) Failure to employ a sufficient number of certified, recognized or licensed personnel to provide service 24 hours-a-day, 7 days-a-week.
- (12) Failure of the air ambulance service to be available 24 hours-a-day, 7 days-a-week to authorized callers within the service area. Exceptions to this requirement include unsafe weather conditions, commitment to another flight, grounding due to maintenance or other reasons that would prevent response. The air ambulance service shall maintain a record of each failure to respond to a request for service, and make the record available upon request to the Department. Financial inability to pay does not constitute sufficient grounds to deny response for emergency air service.
- (13) Failure to notify the Department of the change of ownership or aircraft operation.
- (14) Abuse or abandonment of a patient.
- (15) Unauthorized disclosure of medical or other confidential information.

- (16) Willful preparation or filing of false medical reports or records, or the inducement of another to do so.
 - (17) Destruction of medical records.
 - (18) Refusal to render EMS because of a patient's race, sex, creed, national origin, sexual preference, age, handicap, medical problem or financial inability to pay.
 - (19) Failure to comply with regional EMS council transfer and medical treatment protocols.
 - (20) Misuse or misappropriation of drugs/medication.
 - (21) Repeated failure to communicate with a PSAP as required by § 1007.7(e).
 - (22) Failure to continue to meet standards applicable to the issuance of the license.
- (b) Upon receipt of a written complaint describing conduct for which the Department may take disciplinary action against an air ambulance service, the Department will:
- (1) Initiate an investigation of the specific charges.
 - (2) Provide the air ambulance service with a copy of the complaint and request a response unless the Department determines that disclosure to the air ambulance service of the complaint will compromise the investigation or would be inappropriate for some other reason.
 - (3) Develop a written report of the investigation.
 - (4) Notify the complainant of the results of the investigation of the complaint, as well as the air ambulance service if the air ambulance service has been officially apprised of the complaint or investigation. This notification does not include providing a copy of the written report developed under paragraph (3).
- (c) The Department will provide public notification of sanctions it imposes upon an air ambulance service license.

Source

The provisions of this § 1007.8 amended September 1, 1995, effective September 2, 1995, 25 Pa.B. 3685; amended October 13, 2000, effective October 14, 2000, 30 Pa.B. 5363. Immediately preceding text appears at serial pages (256647) to (256648).

§ 1007.9. [Reserved].

Source

The provisions of this § 1007.9 reserved October 13, 2000, effective October 14, 2000, 30 Pa.B. 5363. Immediately preceding text appears at serial page (256649).

[Next page is 1009-1.]

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