In follow up to Bureau of EMS Information Bulletin 2012-08, representatives of the Bureau of EMS, a representative from a hospital and the Ambulance Association met to provide more specific directions to the Commonwealth’s EMS Agencies, hospitals and nursing homes.

The Bureau initially sent out a Bulletin (#074 attached) in 2010 as questions started to arise regarding the use of stretcher van and wheel chair vans. The AAP asked for this clarification for our members. The overarching reason for the Bureau issuing Bulletin 2012-08 was to again, ensure the safe transport of patients throughout the Commonwealth. The Bureau understands the billing issues surrounding this topic but the EMS System Act is clear. There are times when facilities are inappropriately scheduling transportation for significantly ill/injured patients in a vehicle other than an ambulance. This Bulletin was issued to put everyone on notice that this language is a part of the Act.

The Bulletin will be sent out to all the hospitals and nursing homes through the Department of Health and the appropriate division (Long Term Care and Acute and Ambulatory Care). The Bureau of EMS and the AAP have been communicating with the PUC on the issues with medical exemption of wheel chair vans, and their attempt to change the medical exemption. The Bureau and the AAP met with the PUC last year to open dialogue on conflicting regulations and regulatory agencies and they were supportive of stretcher and wheelchair vans providing medical transportation to be regulated by the Bureau vs. the PUC. This will require a change to the EMS System Act and while the regulations are still in draft form until the IRRC approves them, the Act cannot be changed or opened until these regulations are passed. The Bureau and the AAP continue to discuss legislative language to move this forward as soon as possible.

Q&A

Q: If an EMS Agency is requested to transport a person meeting the definition of patient, what should they do?
A: Any EMS Agency who is asked to provide EMS to a patient should inform the hospital or nursing home of Bulletin 2012-08.

Q: Should the EMS Agency transport the patient? What about contractual obligations?
A: Each agency should review this topic with their management and develop a policy that will ensure the safe transport of all patients and to ensure that the transport is not violating Commonwealth law.

Q: If the EMS Agency is aware that facilities are requesting transport of patients by any other vehicle than an ambulance, what should the EMS Agency do?
A: The EMS Agency should report the specific details to the Bureau of EMS like any other EMS System Act violation

Q: Will my Regional Council shut me down if I transport a patient in anything other than an ambulance?
A: It’s important to understand that only the Commonwealth has the authority to close down an EMS Agency following a due process hearing as outlined in the EMS System Act. Regional Councils are not currently conducting spot inspections relative to this issue.
Q: How will the Bureau handle a notice of a violation?
A: The Bureau will investigate all complaints as the Bureau does every day. The Bureau is not looking for violations and the purpose of the Bulletin to the EMS Agencies and the facilities is to give some time for everyone to adjust current practices and to ensure the safe transport of patients within the Commonwealth.

Q: How does Oxygen and the use of Oxygen affect the person being transported?
A:

- If the person has their own oxygen tank and the tank is being transported WITH the person AND they require no monitoring, that person can be transported by wheelchair van.
- If the wheelchair van is carrying oxygen, just in case of an emergency need, but the person does not need monitoring, treatment, assessment or observations, that person can be transported by wheelchair van.
- If the person is being discharged from the hospital to a Nursing Home or residence and they require oxygen that must be provided during transport by the wheelchair van, that person meets the definition of patient. If the van is supplying oxygen, they are operating an ambulance without a license. Oxygen is a prescription drug and is considered a skill for certified pre-hospital healthcare practitioners; therefore the administration of oxygen is considered medical treatment of a patient.
- Since 1-1-2012 there were 400,000 PCRs provided to the Pa DOH and 14,000 of those PCRs confirmed that oxygen only was provided to the patient.
- If the facility provides an oxygen tank to be transported with the person and they DONOT require administration assistance, monitoring, and oxygen transfer assistance, that person can be transported by wheelchair van. In this case, the responsible party is not just the EMS Agency but the facility as well.

Reimbursement
The Bureau and the AAP acknowledge that there will be patients, nursing homes, and hospitals that will have to pay for this service and there may be an unintended consequence of overutilization of ambulances. The Bureau and the AAP recognize this is an issue, however it is the EMS Agency’s responsibility to ascertain information regarding the patient’s condition prior to transport to make an educated decision regarding the appropriate mode of transportation based on the patient’s medical needs, not the facility’s or EMS Agency’s financial needs.

Other Information
- The Licensure provision under the regulations of Act 45 of 1985 remain in effect as of today.
- The Licensure provision under Act 37, Section 8129 will take effect 6 months after the regulations are finalized.
- Operating an EMS vehicle without a license, etc. does not take effect until the regulations passed. Section 8156 of the EMS System Act is in effect. However, subsection (a), which deals with a person operating an EMS agency or vehicle without a license, specifically references a violation of section 8129. Section 8129 does not take effect until six months after the regulations take effect.
The provisions for civil monetary fines for operating an EMS vehicle without a license will take effect 6 months after the regulations are finalized.

Excerpt language from PA ACT 37:
Patient—An individual for whom an EMS provider is:
   (i) providing EMS on behalf of an EMS agency; or
   (ii) required to provide EMS on behalf of an EMS agency because the individual's condition requires or may require medical observation, monitoring, assessment or treatment for an illness, disease, injury or other disability.

§ 1027.51. Stretcher and wheelchair vehicles.
(a) Stretcher vehicle. A stretcher vehicle is a ground vehicle, other than an ambulance, that is commercially used to transport by stretcher a person who does not receive and cannot reasonably be anticipated to require medical assessment, monitoring, treatment or observation by EMS providers during transport, but who, due to the person’s condition, requires vehicle transportation on a stretcher or in a wheelchair.
(b) Wheelchair vehicle. A wheelchair vehicle is a ground vehicle, other than an ambulance, that is commercially used to transport by wheelchair a person who does not receive and cannot reasonably be anticipated to require medical assessment, monitoring, treatment or observation by EMS providers during transport, but who, due to the person’s condition, requires vehicle transportation on a stretcher or in a wheelchair.
(c) Prohibition. An entity may not operate a stretcher or wheelchair vehicle to transport a person who the entity knows or should reasonably know requires medical assessment, monitoring, treatment or observation during transport.

For an electronic copy of Act 45, Act 37 and the Act 37 draft regulations, please go to:
The Bureau of EMS: http://www.portal.health.state.pa.us/portal/server.pt/community/emergency_medical_services/14138/ems_regulations/556947