

Department of State
Division of Publications

312 Rosa L. Parks Ave., 8th Floor, Snodgrass/TN Tower
Nashville, TN 37243
Phone: 615-741-2650
Email: publications.information@tn.gov

For Department of State Use Only

Sequence Number: 03-21-22

Notice ID(s): 3471

File Date: 3/28/2022

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Department of Health
Division:	Division of Emergency Medical Services
Contact Person:	Paul E. Richardson
Address:	665 Mainstream Drive, 2 nd Floor, Nashville, TN 37243
Phone:	(615) 741-1611
Email:	Paul.Richardson@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	ADA Coordinator
Address:	710 James Robertson Parkway, Andrew Johnson Building, 5 th Floor, Nashville, Tennessee 37243
Phone:	(615) 741-6354
Email:	Marci.Martinez@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Metro Center
Address 2:	665 Mainstream Drive, Poplar Conference Room
City:	Nashville, TN
Zip:	37243
Hearing Date:	05/16/2022
Hearing Time:	9:00 A.M. <input checked="" type="checkbox"/> X CST/CDT <input type="checkbox"/> EST/EDT

Additional Hearing Information:

--

Revision Type (check all that apply):

☒ Amendment

☒ New

☐ Repeal

Rule(s) (**ALL** chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below. Please enter only **ONE** Rule Number/Rule Title per row)

Chapter Number	Chapter Title
1200-12-01	General Rules Emergency rules filed November 19, 2021; effective through May 18, 2022.
Rule Number	Rule Title
1200-12-01-.10	Ambulance Driver Qualifications
1200-12-01-.14	Emergency Medical Services Standards and Categories for Licensed Ambulance Service and Mobile Prehospital Emergency Care

Chapter 1200-12-01
General Rules Emergency rules filed November 19, 2021; effective through May 18, 2022.
Amendments

Rule 1200-12-01-.10 Ambulance Driver Qualifications is amended by deleting paragraphs (1) and (2) in their entirety and substituting instead the following language, so that as amended, the paragraphs shall read:

The following rules are promulgated to establish minimal qualifications for operators or drivers of ambulances operated by ambulance services licensed by the Tennessee Department of Health:

- (1) Notwithstanding any other requirements under this section, an individual who possesses a Class D driver's license is eligible for service as an ambulance driver or operator.
- (2) Any individual who has reached the age of eighteen (18) years old and attained at least one year of licensed driver experience is eligible for service as an ambulance driver or operator.

Authority: T.C.A. §§ 68-140-304, 68-140-306, and 68-140-307. Administrative History: Original rule filed November 30, 1984; effective February 12, 1985. Amendment filed September 18, 1986; effective December 29, 1986. Amendment filed September 24, 1990; effective November 8, 1990. Emergency rules filed November 19, 2021; effective through May 18, 2022.

Rule 1200-12-01-.14 Emergency Medical Services Standards and Categories for Licensed Ambulance Service and Mobile Prehospital Emergency Care is amended by adding new items (3)(c)2.(i)(I) and (3)(c)2.(i)(II) so that as amended, the new items shall read:

The following rules are promulgated to establish minimum standards and categorical capabilities for emergency medical services and/or ambulance services licensed in Tennessee and to govern emergency medical services provided to a patient.

- (I) Notwithstanding any other requirements under this section, Level 1 transports may be conducted by an Advanced Life Support-equipped ambulance with a paramedic serving as the sole medical staff, provided there is also an ambulance operator who satisfies the ambulance driver requirements of Tenn. Comp. R. & Reg. 1200-12-01-.10, possesses current CPR certification, has completed a defensive driving course, and has demonstrated competency.
- (II) Medical Directors of ambulance services utilizing paramedic-only Level 1 transports shall submit a plan of delegation containing protocols for such use to be approved by the Commissioner of Health or the Commissioner's designee. The Commissioner or the Commissioner's designee may grant conditional approval and may rescind such approval at the Commissioner's or Commissioner's designee's sole discretion.

Rule 1200-12-01-.14 Emergency Medical Services Standards and Categories for Licensed Ambulance Service and Mobile Prehospital Emergency Care is amended by adding new items (3)(c)2.(ii)(I) and (3)(c)2.(ii)(II) so that as amended, the new items shall read:

- (I) Notwithstanding any other requirements under this section, Level 2 transports may be conducted by an Advanced Life Support-equipped ambulance with a paramedic serving as the sole medical staff, provided there is also an ambulance operator who satisfies the ambulance driver requirements of Tenn. Comp. R. & Reg. 1200-12-01-.10, possesses current CPR certification, has completed a defensive driving course, and has demonstrated competency.
- (II) Medical Directors of ambulance services utilizing paramedic-only Level 2 transports shall submit a plan of delegation containing protocols for such use to be approved by the Commissioner of Health or the Commissioner's designee. The Commissioner or the Commissioner's designee may grant conditional

approval and may rescind such approval at the Commissioner's or Commissioner's designee's sole discretion.

Rule 1200-12-01-.14 Emergency Medical Services Standards and Categories for Licensed Ambulance Service and Mobile Prehospital Emergency Care is amended by adding new items (3)(c)2.(iii)(I) and (3)(c)2.(iii)(II) so that as amended, the new items shall read:

- (I) Notwithstanding any other requirements under this section, Level 3 transports may be conducted by a Basic Life Support-equipped ambulance with an Emergency Medical Technician - Basic or Emergency Medical Technician - Advanced serving as the sole medical staff for Basic Life Support ambulances, provided there is also an ambulance operator who satisfies the ambulance driver requirements of Tenn. Comp. R. & Reg. 1200-12-01-.10, possesses current CPR certification, has completed a defensive driving course, and has demonstrated competency.
- (II) Medical Directors of ambulance services utilizing EMT Basic or Advanced Level 3 transports shall submit a plan of delegation containing protocols for such use to be approved by the Commissioner of Health or the Commissioner's designee. The Commissioner or the Commissioner's designee may grant conditional approval and may rescind such approval at the Commissioner's or Commissioner's designee's sole discretion.

Rule 1200-12-01-.14 Emergency Medical Services Standards and Categories for Licensed Ambulance Service and Mobile Prehospital Emergency Care is amended by adding new items (3)(c)2.(iv)(I) and (3)(c)2.(iv)(II) so that as amended, the new items shall read:

- (I) Notwithstanding any other requirements under this section, Level 4 transports may be conducted by a Basic Life Support-equipped ambulance with an Emergency Medical Technician - Basic or Emergency Medical Technician - Advanced serving as the sole medical staff for Basic Life Support ambulances, provided there is also an ambulance operator who satisfies the ambulance driver requirements of Tenn. Comp. R. & Reg. 1200-12-01-.10, possesses current CPR certification, has completed a defensive driving course, and has demonstrated competency.
- (II) Medical Directors of ambulance services utilizing EMT Basic or Advanced Level 4 transports shall submit a plan of delegation containing protocols for such use to be approved by the Commissioner of Health or the Commissioner's designee. The Commissioner or the Commissioner's designee may grant conditional approval and may rescind such approval at the Commissioner's or Commissioner's designee's sole discretion.

Rule 1200-12-01-.14 Emergency Medical Services Standards and Categories for Licensed Ambulance Service and Mobile Prehospital Emergency Care is amended by adding new subparts (3)(c)2.(v), (3)(c)2.(vi), (3)(c)2.(vii), and (3)(c)2.(viii) so that as amended, the new subparts shall read:

- (v) Services conducting paramedic-only Level 1 or Level 2 transports are responsible for ensuring that each ambulance operator is properly trained and has demonstrated competency in safely lifting and moving patients via ambulance cot. Operators are forbidden from providing direct patient care that requires licensure as healthcare providers by the Tennessee Department of Health, as these operators lack such licensure. All other statutes and rules regarding patient transport services remain in full force and effect.
- (vi) Services conducting EMT Basic or Advanced-only Level 3 or Level 4 transports are responsible for assuring that each ambulance operator is properly trained and has demonstrated competency in safely lifting and moving patients via ambulance cot.

Operators are forbidden from providing direct patient care that requires licensure as healthcare providers by the Tennessee Department of Health, as these operators lack such licensure. All other statutes and rules regarding patient transport services remain in full force and effect.

- (vii) Services must require all operators hired under this part to attain, at minimum, licensure as an EMT - Basic within twelve (12) months from the operator's original hire date.
- (viii) Services are prohibited from employing, as an operator, any individual previously employed in the state of Tennessee under this part, who has failed to attain or will be unable to attain licensure as an EMT-Basic or higher, within twelve (12) months of that individual's original hire date.

Authority: T.C.A. §§ 68-140-304, 68-140-305, 68-140-306, 68-140-307, 68-140-504, 68-140-506, and 68-140-507.
Administrative History: Original rule filed November 30, 1984; effective February 12, 1985. Amendment filed March 22, 1985; effective April 21, 1985. Amendment filed June 30, 1987; effective August 14, 1987. Amendment filed September 23, 1991; effective November 7, 1991. Amendment filed October 22, 1993; effective January 5, 1994. Amendment filed March 7, 1994; effective May 21, 1994. Amendment filed January 7, 1997; effective March 23, 1997. Amendment filed May 5, 2014; effective August 3, 2014. Amendment filed May 26, 2010; effective August 24, 2010. Amendments filed September 23, 2019; effective December 22, 2019. Emergency rule filed February 11, 2021; effective through August 10, 2021. Emergency rule expired effective August 11, 2021, and the rule reverted to its previous status. Emergency rules filed November 19, 2021; effective through May 18, 2022.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: March 28, 2022

Signature: 

Name of Officer: Paul E. Richardson

Title of Officer: Associate General Counsel, Department of Health

Department of State Use Only

Filed with the Department of State on: 3/28/2022


Tre Hargett
Secretary of State

RECEIVED

MAR 28 2022

Secretary of State
Division of Publications

**RULES
OF
THE TENNESSEE DEPARTMENT OF HEALTH
BUREAU OF HEALTH LICENSURE AND REGULATION
DIVISION OF EMERGENCY MEDICAL SERVICES**

**CHAPTER 1200-12-01
GENERAL RULES**

TABLE OF CONTENTS

1200-12-01-.01 Sanitation of Ambulance	1200-12-01-.12 Authorization of Emergency Medical Services Educators
1200-12-01-.02 Ambulance Safety, Design, and Construction Standards	1200-12-01-.13 EMT, AEMT and Paramedic Education Programs
1200-12-01-.03 Emergency Medical Services Equipment, Medications and Supplies	1200-12-01-.14 Emergency Medical Services Standards and Categories for Licensed Ambulance Service- And Mobile Prehospital Emergency Care
1200-12-01-.04 Emergency Medical Services (EMS) Personnel Certification and Licensure	1200-12-01-.15 Ambulance Service Records
1200-12-01-.05 Air Ambulance Standards	1200-12-01-.16 Emergency Medical First Responders
1200-12-01-.06 Schedule of Fees	1200-12-01-.17 Unethical Practices and Conduct
1200-12-01-.07 Insurance Coverage	1200-12-01-.18 Emergency Medical Dispatcher Standards
1200-12-01-.08 Emergency Medical Services Telecommunications	1200-12-01-.19 Automated External Defibrillator Programs
1200-12-01-.09 Ground Invalid Vehicle Standards	1200-12-01-.20 Training for Emergency Medical Services for Children
1200-12-01-.10 Ambulance Driver Qualifications	1200-12-01-.21 Destination Determination
1200-12-01-.11 Ambulance Service Operations and Procedures	

1200-12-01-.10 AMBULANCE DRIVER QUALIFICATIONS. The following rules are promulgated to establish minimal qualifications for operators or drivers of ambulances operated by ambulance services licensed by the Tennessee Department of Health:

- (1) ~~Notwithstanding any other requirements under this section, an individual who possesses a Class D driver's license is eligible for service as an ambulance driver or operator. The vehicle operator or driver shall possess such special class licenses and endorsements as are required for ambulance by the Tennessee Department of Safety or the individual's state of residence.~~
- (2) ~~Any individual who has reached the age of eighteen (18) years old and attained at least one year of licensed driver experience is eligible for service as an ambulance driver or operator. No person who is under the age of nineteen (19) years shall drive any ambulance or invalid vehicle authorized for operation in Tennessee, and each ambulance driver shall have at least three years of licensed driver or operator experience.~~
- (3) Reserved.
- (4) This rule shall not prohibit the operation of an ambulance by an individual during extraordinary circumstances during which both ambulance personnel must be engaged in patient care or are otherwise incapacitated.

Authority: T.C.A. §§ ~~4-5-202, 68-39-504, and 68-39-507~~ 68-140-304, 68-140-306, and 68-140-307.
Administrative History: Original rule filed November 30, 1984; effective February 12, 1985. Amendment filed September 18, 1986; effective December 29, 1986. Amendment filed September 24, 1990; effective November 8, 1990.

1200-12-01-.14 (CONTINUED)

(3) Classification of Services.

- (a) Each ambulance service license the Division issues must indicate the minimum clinical level of service that the ambulance service can provide.
- (b) The Division shall grant an ambulance service license only after it verifies that the service is in compliance with Division rules for immediate or scheduled patient transport.
- (c) The Division recognizes the following classes of service for licensing or authorization of ambulances and/or emergency medical services:

1. Category A: Primary emergency provider. Each ambulance service the local government designates as the primary provider by recognizing it as such or contracting with it to provide initial response to scene emergencies shall operate advanced and/or basic life support ambulances within the service area 24 hours a day. The service may also provide ambulance transport services under its license for its county specific service area. It shall coordinate licensed volunteer ambulance services as well as coordinate and oversee emergency medical response agencies within its jurisdiction.

- (i) Level 1: 100% of Emergency runs shall be made with an Advanced Life Support-equipped ambulance and staffed with a paramedic and a minimum of an EMT.
- (ii) Level 2: 90% of Emergency runs shall be made with an Advanced Life Support-equipped ambulance and staffed with a paramedic and a minimum of an EMT.
- (iii) Level 3: 100% of Emergency runs shall be made with a Basic Life Support- equipped ambulance and staffed with two AEMTs.
- (iv) Level 4: 90% of Emergency runs shall be made with a Basic Life Support- equipped ambulance and staffed with an AEMT and an EMT.

2. Category B: Licensed Ambulance Transport Services. Each licensed ambulance service shall operate ambulances for unscheduled or scheduled transportation of patients. The level of the licensed ambulance service must be consistent with their issued service license level.

- (i) Level 1: 100% of transports shall be made with an Advanced Life Support- equipped ambulance and staffed with a paramedic and a minimum of an EMT.

(I) Notwithstanding any other requirements under this section, Level 1 transports may be conducted by an Advanced Life Support-equipped ambulance with a paramedic serving as the sole medical staff, provided there is also an ambulance operator who satisfies the ambulance driver requirements of Tenn. Comp. R. & Reg. 1200-12-01-.10, possesses current CPR certification, has completed a defensive driving course, and has demonstrated competency.

(II) Medical Directors of ambulance services utilizing paramedic-

only Level 1 transports shall submit a plan of delegation containing protocols for such use to be approved by the Commissioner of Health or the Commissioner's designee. The Commissioner or the Commissioner's designee may grant conditional approval and may rescind such approval at the Commissioner's or Commissioner's designee's sole discretion.

- (ii) Level 2: 90% of transports shall be made with an Advanced Life Support- equipped ambulance and staffed with a paramedic and a minimum of an EMT.
 - (I) Notwithstanding any other requirements under this section, Level 2 transports may be conducted by an Advanced Life Support-equipped ambulance with a paramedic serving as the sole medical staff, provided there is also an ambulance operator who satisfies the ambulance driver requirements of Tenn. Comp. R. & Reg. 1200-12-01-.10, possesses current CPR certification, has completed a defensive driving course, and has demonstrated competency.
 - (II) Medical Directors of ambulance services utilizing paramedic-only Level 2 transports shall submit a plan of delegation containing protocols for such use to be approved by the Commissioner of Health or the Commissioner's designee. The Commissioner or the Commissioner's designee may grant conditional approval and may rescind such approval at the Commissioner's or Commissioner's designee's sole discretion.
- (iii) Level 3: 100% of transports shall be made with a Basic Life Support- equipped ambulance and staffed with two AEMTs 100% of time.
 - (I) Notwithstanding any other requirements under this section, Level 3 transports may be conducted by a Basic Life Support equipped ambulance with an Emergency Medical Technician – Basic or Emergency Medical Technician – Advanced serving as the sole medical staff for Basic Life Support ambulances, provided there is also an ambulance operator who satisfies the ambulance driver requirements of Tenn. Comp. R. & Reg. 1200-12-01-.10, possesses current CPR certification, has completed a defensive driving course, and has demonstrated competency.
 - (II) Medical Directors of ambulance services utilizing EMT Basic or Advanced Level 3 transports shall submit a plan of delegation containing protocols for such use to be approved by the Commissioner of Health or the Commissioner's designee. The Commissioner or the Commissioner's designee may grant conditional approval and may rescind such approval at the Commissioner's or Commissioner's designee's sole discretion.
- (iv) Level 4: 90% of transports shall be made with a Basic Life Support- equipped ambulance and staffed with a minimum of two EMTs.
 - (I) Notwithstanding any other requirements under this section, Level 4 transports may be conducted by a Basic Life Support

- equipped ambulance with an Emergency Medical Technician – Basic or Emergency Medical Technician – Advanced serving as the sole medical staff for Basic Life Support ambulances, provided there is also an ambulance operator who satisfies the ambulance driver requirements of Tenn. Comp. R. & Reg. 1200-12-01-.10, possesses current CPR certification, has completed a defensive driving course, and has demonstrated competency.
- (II) Medical Directors of ambulance services utilizing EMT Basic or Advanced Level 4 transports shall submit a plan of delegation containing protocols for such use to be approved by the Commissioner of Health or the Commissioner's designee. The Commissioner or the Commissioner's designee may grant conditional approval and may rescind such approval at the Commissioner's or Commissioner's designee's sole discretion.
- (v) Services conducting paramedic-only Level 1 or Level 2 transports are responsible for ensuring that each ambulance operator is properly trained and has demonstrated competency in safely lifting and moving patients via ambulance cot. Operators are forbidden from providing direct patient care that requires licensure as healthcare providers by the Tennessee Department of Health, as these operators lack such licensure. All other statutes and rules regarding patient transport services remain in full force and effect.
- (vi) Services conducting EMT Basic or Advanced-only Level 3 or Level 4 transports are responsible for assuring that each ambulance operator is properly trained and has demonstrated competency in safely lifting and moving patients via ambulance cot. Operators are forbidden from providing direct patient care that requires licensure as healthcare providers by the Tennessee Department of Health, as these operators lack such licensure. All other statutes and rules regarding patient transport services remain in full force and effect.
- (vii) Services must require all operators hired under this part to attain, at minimum, licensure as an EMT - Basic within twelve (12) months from the operator's original hire date.
- (viii) Services are prohibited from employing, as an operator, any individual previously employed in the state of Tennessee under this part, who has failed to attain or will be unable to attain licensure as an EMT-Basic or higher, within twelve (12) months of that individual's original hire date.

Authority: T.C.A. §§ ~~4-5-202, 4-5-204~~, 68-140-304, 68-140-305, 68-140-306, 68-140-30, 68-140-504, 68-140-506, and 68-140-507. **Administrative History:** Original rule filed November 30, 1984; effective February 12, 1985. Amendment filed March 22, 1985; effective April 21, 1985. Amendment filed June 30, 1987; effective August 14, 1987. Amendment filed September 23, 1991; effective November 7, 1991. Amendment filed October 22, 1993; effective January 5, 1994. Amendment filed March 7, 1994; effective May 21, 1994. Amendment filed January 7, 1997; effective March 23, 1997. Amendment filed May 5, 2014; effective August 3, 2014. Amendment filed May 26, 2010; effective August 24, 2010. Amendments filed September 23, 2019; effective December 22, 2019.