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# Emergency Rule Filing Form

*Emergency rules are effective from date of filing, unless otherwise stated in the rule, for a period of up to 180 days.*

<b>Agency/Board/Commission:</b>	Division of Emergency Medical Services
<b>Division:</b>	
<b>Contact Person:</b>	Ronda Webb-Stewart
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**Statement of Necessity:**

The rules are necessary to execute Public Chapter 372, which allows a licensed Tennessee ambulance service, with full-time employed emergency medical services personnel, who successfully complete a forty (40) hour training program to qualify for an \$800.00 pay supplement. The rule was intended to be active January 2024 for implementation.

**Revision Type (check all that apply):**

- Amendment
- New
- Repeal

**Rule(s) Revised (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 Please make sure that ALL new rule and repealed rule numbers are listed in the chart below.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
Rule Number	Rule Title
1200-12-01-.22	Pay Supplement for In-Service Training Course

Place substance of rules and other info here. Please be sure to include a detailed explanation of the changes being made to the listed rule(s). Statutory authority must be given for each rule change. For information on formatting rules go to <https://sos.tn.gov/products/division-publications/rulemaking-guidelines>.

Chapter 1200-12-01  
General Rules

New

Rule 1200-12-01-.22 Pay Supplement for In-Service Training Course is a new rule. All subsequent rules, and references thereto, are renumbered accordingly.

1200-12-01-.22 Pay Supplement for In-Service Training

(1) Definitions.

- (a) Tennessee Licensed Ambulance Service - Is defined the same as in Tenn. Code Ann. Section 68-140-302(2).
- (b) Board - Board of Emergency Medical Services.
- (c) Department - The Tennessee Department of Health, Office of Emergency Medical Services.
- (d) Emergency Medical Services Personnel ("EMS Personnel") - Any person licensed or certified by the Board as an emergency medical responder, an emergency medical technician, an advanced emergency medical technician, or a paramedic.
- (e) Full-Time Employment - Employment by a Tennessee licensed ambulance service, licensed by the Board, for a minimum of thirty (30) hours of service per week.
- (f) In-service Training Course - At least forty (40) hours of in-service training at a training center commensurate to the licensure classification of the EMS personnel, as defined in 1200-12-.01-.22 (1)(D).
- (g) Training Center - An eligible EMS educational program as approved by the Department.
- (h) Agency or group - The professional associations, training programs, internal training programs, education institutions and conferences that are approved to provide the forty (40) hour training course.

(2) In-Service Training Course Eligibility.

- (a) To be eligible for the training pay supplement, a licensed ambulance service must submit to the Department proof of completion of the training program by the EMS Personnel within thirty (30) business days of completion of the program.
- (b) To be eligible for the training pay supplement, training must occur on or after January 1, 2024.
- (c) Training must occur:
  - 1. live; or
  - 2. as an online program with live face-to-face interaction which is pre-approved by the Department.
- (d) Forty (40) hours of training must include routine functions in the practice of emergency medical services.
- (e) Instructors shall be authorized by the Department and qualified through academic preparation, training, and experience to teach the courses or topics to which they are assigned in the curriculum. Instructors shall not teach themselves. However, instructors of in-service training course shall receive one (1) hour credit toward the forty (40) hour total of in-service hours for each hour taught provided that the teaching shall not consist

of the use of electronic media exclusively and shall require the instructor to interact with the attendees of the class to obtain credit.

- (f) The agency or group providing the training shall be the custodian of record for all training and attendance for a minimum of five (5) years from the date of completion of the course.

(3) Qualifications of Satisfactory Completion.

(a) Proof of satisfactory completion of the training program by the EMS personnel shall consist of the following:

1. Date;
2. Total Training Hours Awarded;
3. Training Program Title;
4. Instructor Name;
5. EMS Personnel Name and certificate/license number and;
6. Brief Description of Course;

(b) Satisfactory completion is achieved once the agency or group provides proof of completion to the licensed ambulance service. The licensed ambulance service shall notify the Department of proof of completion within thirty (30) business days. The agency or group's notification is subject to audit at the State's request.

(c) Forty (40) hours of training must be completed within the scope of practice of the EMS personnel at their current level of licensure or certification. EMS personnel who are enrolled in an education training program for a higher tier of license are eligible to take training courses which count toward the forty (40) hour requirement in both the current license level and/or the license tier for which the EMS personnel is training to achieve.

(4) Reimbursement Procedures.

(a) The training pay supplement shall be based on the availability of funds appropriated by the General Assembly.

(b) Payment will be made by the Department after demonstration of successful completion of forty (40) hours of training. Payment will not be advanced or furnished in anticipation of completing forty (40) hours of training.

(c) To receive a training pay supplement from the Department or other state agency, which is issued to qualifying EMS personnel by the ambulance service, an ambulance service shall register as a supplier with the State of Tennessee.

(d) To begin the registration process, an ambulance service must register as a Supplier within the State of Tennessee's EDISON software platform at: [https://hub.edison.tn.gov/psp/paprd/EMPLOYEE/EMPL/h/?tab=PAPP\\_GUEST](https://hub.edison.tn.gov/psp/paprd/EMPLOYEE/EMPL/h/?tab=PAPP_GUEST) under the "Supplier Portal Home Page" tab ("website") and complete the registration procedures by submitting all required information and documents as expressed on the website.

(e) Once the registration is processed, the State of Tennessee shall issue a Supplier ID to the ambulance service.

(f) A training pay supplement distribution shall only occur after the ambulance service receives a Supplier ID through the registration process and submits proof of completion and their Supplier ID to the Board.

(g) Payment shall be made by the Department, or other state government agency, in a lump sum directly to the ambulance service handling the disbursement of funds.

- (h) The ambulance service that awards the training pay supplement shall be responsible for withholding any and all tax and other federal withholding requirements and for the payment of other applicable taxes of the training pay supplement.
  - (i) The \$800 training pay supplement shall be distributed to qualifying EMS personnel within thirty (30) calendar days or the next appropriate pay cycle after disbursement to the licensed ambulance service.
  - (j) The ambulance service receiving the funds shall be responsible for any increase in the employer's contribution to social security or like programs necessitated by the increase in the employee's annual base earnings.
  - (k) EMS personnel shall not be eligible for the training pay supplement from more than one (1) ambulance service in a calendar year.
- (5) Military Service Member EMS Personnel.
- (a) EMS personnel who qualify under Tenn. Code Ann. § 68-140-335 are eligible to receive the \$800 dollar pay supplement.
- (6) Audit Procedures.
- (a) All accounts shall be subject to audit by the State Comptroller.
  - (b) All records pertaining to the training pay supplement shall be available for inspection by a member of the Department and shall be stored for five (5) years after the training pay supplement was issued.
  - (c) All licensed ambulance services that submit EMS personnel for receipt of the training pay supplement are subject to annual, random audit by the Department.
  - (d) All EMS personnel who received the training pay supplement are subject to annual, random audit by the Department.
- (7) Disciplinary Action and Prosecution of False Claims.
- (a) To guard against the misuse of State funds, Tennessee licensed ambulance services shall report to the Department and the Attorney General's Office within ten (10) days of discovery any fraudulent conduct or false representation in connection with the completion of training requirements committed by any EMS personnel in order to unjustly obtain the training pay supplement.
  - (b) The Board recognizes the possibility of inadvertent mistakes involved in record keeping. The Board shall seek immediate reimbursement of such funds erroneously paid due to the Tennessee licensed ambulance service. If such reimbursement is not immediately forthcoming, the Department, in conjunction with the Office of General Counsel, shall commence legal action accordingly.
  - (c) The Board may revoke, modify, suspend or condition the license of any Tennessee licensed ambulance service and/or EMS personnel, if it finds, after appropriate notice and hearing, that:
    1. The requirements for the training pay supplement had not been met as pursuant this rule but certified to the Department as complete; or
    2. Any fraud, collusion, misrepresentation or substantial mistake was involved in the procurement of training pay supplement.

Authority: T.C.A. §§ 68-140-304 and 68-140-335.

\* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)

I certify that this is an accurate and complete copy of an emergency rule(s), lawfully promulgated and adopted.

Date: March 26, 2024

Signature: Ronda Webb-Stewart

Name of Officer: Ronda Webb-Stewart

Title of Officer: Senior Associate Counsel, Department of Health

Agency/Board/Commission: Division of Emergency Medical Services

Rule Chapter Number(s): 1200-12-01

All emergency rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

*Jonathan Skrmetti* by delegation  
 Jonathan Skrmetti  
 Attorney General and Reporter  
April 8, 2024  
 Date

**Department of State Use Only**

Filed with the Department of State on: 4/9/2024

Effective for: 180 \*days

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\* Emergency rule(s) may be effective for up to 180 days from the date of filing.

**RECEIVED**

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Secretary of State  
Division of Publications

*Tre Hargett*

Tre Hargett  
Secretary of State

### **Impact on Local Governments**

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228, "On any rule and regulation proposed to be promulgated, the proposing agency shall state in a simple declarative sentence, without additional comments on the merits or the policy of the rule or regulation, whether the rule or regulation may have a projected financial impact on local governments. The statement shall describe the financial impact in terms of increase in expenditures or decrease in revenues."

The proposed rule amendments will have a financial impact on local governments.

**Additional Information Required by Joint Government Operations Committee**

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

1. A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

This rule creates a new educational incentive program in the Emergency Medical Services licensure rules and regulations. To execute Public Chapter 372, which allows a licensed Tennessee ambulance service, with full-time employed emergency medical services personnel, who successfully complete a forty (40) hour training program to qualify for an \$800.00 pay supplement, this rule change is required. To begin, seven definitions were added including Tennessee Licensed Ambulance Service, Board, Department, Emergency Medical Services Personnel, Full-time Employment, In-Services Training Course, and Training Center. These definitions promote candidness and uniformity across the profession. Additionally, In-Service Training Course Eligibility outlines the statutory requirements of the training pay supplement. The following section titled Qualification of Satisfactory Completion, defines terminology in the statues and establishes standards for compliance with the training pay supplement. This rule frames the Reimbursement Procedures section and addresses eligible military personnel. Importantly, Audit Procedures and Disciplinary Action and Prosecution of False Claims section is added to ensure honest participation in the training pay supplement program and combat fraud.

2. A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

Tenn. Code Ann. Section 68-140-335; Tenn. Code Ann. Section 68-140-304(2); Tenn. Code Ann. Section 68-140-305(1)

3. Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

All Tennessee licensed Emergency Medical Services personnel and Tennessee licensed ambulance services will most directly be affected by this rule. These entities urge the adoption of this rule.

4. Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

There are no opinions of the attorney general and reporter or any judicial ruling that directly relates to this rule or its necessity.

5. An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

There will be an increase in state government expenditures to fund the resulting training pay supplement program. However, there is a designated appropriation to fund this rule.

6. Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Ronda Webb-Stewart, Senior Associate Counsel, Department of Health

7. Identification of the appropriate agency representative or representatives who will explain the rule at scheduled meeting of the committees;

Ronda Webb-Stewart, Senior Associate Counsel, Department of Health

8. Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Department of Health, Office of General Counsel, 665 Mainstream Drive, 2nd Floor, Nashville, TN 37243, 615-741-1611, [Ronda.Webb-Stewart@tn.gov](mailto:Ronda.Webb-Stewart@tn.gov)

9. Any additional information relevant to the rule proposed for continuation that the committee requests;

None.



**HEALTH, ENVIRONMENT AND CONSERVATION  
BUREAU OF HEALTH LICENSURE AND REGULATION DIVISION OF EMERGENCY MEDICAL  
SERVICES**

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

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**1200-12-01-.22 PAY SUPPLEMENT FOR IN-SERVICE TRAINING**

**(1) Definitions.**

- (a) Tennessee Licensed Ambulance Service - Is defined the same as in Tenn. Code Ann. Section 68-140-302(2).**
- (b) Board - Board of Emergency Medical Services.**
- (c) Department - The Tennessee Department of Health, Office of Emergency Medical Services.**
- (d) Emergency Medical Services Personnel ("EMS Personnel") - Any person licensed or certified by the Board as an emergency medical responder, an emergency medical technician, an advanced emergency medical technician, or a paramedic.**
- (e) Full-Time Employment - Employment by a Tennessee licensed ambulance service, licensed by the Board, for a minimum of thirty (30) hours of service per week.**
- (f) In-service Training Course - At least forty (40) hours of in-service training at a training center commensurate to the licensure classification of the EMS personnel, as defined in 1200-12-01-.22 (1)(D).**
- (g) Training Center - An eligible EMS educational program as approved by the Department.**
- (h) Agency or group - The professional associations, training programs, internal training programs, education institutions and conferences that are approved to provide the forty (40) hours of in-service training.**

**(2) In-Service Training Course Eligibility.**

- (a) To be eligible for the training pay supplement, a licensed ambulance service must submit to the Department proof of completion of the training program by the EMS Personnel within thirty (30) business days of completion of the program.
- (b) To be eligible for the training pay supplement, training must occur on or after January 1, 2024.
- (c) Training must occur:
  - 1. live; or
  - 2. as an online program, with live face-to-face interaction, which is pre-approved by the Department.
- (d) Forty (40) hours of training must include routine functions in the practice of emergency medical services.
- (e) Instructors shall be authorized by the Department and qualified through academic preparation, training, and experience to teach the courses or topics to which they are assigned in the curriculum instructors shall not teach themselves. However, instructors of in-service training courses shall receive one (1) hour credit toward the forty (40) hour total of in-service hours for each hour taught provided that the teaching shall not consist of the use of electronic media exclusively and shall require the instructor to interact with the attendees of the class to obtain credit.
- (f) The agency or group providing the training shall be the custodian of record for all training and attendance for a minimum of five (5) years from the date of completion of the course.

(3) Qualifications of Satisfactory Completion.

- (a) Proof of satisfactory completion of the training program by the EMS personnel shall consist of the following:
  - 1. Date
  - 2. Total Training Hours Awarded
  - 3. Training Program Title
  - 4. Instructor Name
  - 5. EMS Personnel Name and certificate/license number
  - 6. Brief Description of Course
- (b) Satisfactory completion is achieved once the agency or group provides proof of completion to the licensed ambulance service. The licensed ambulance service shall notify the Department of proof of completion within thirty (30) business days. The agency or group's notification is subject to audit at the State's request.
- (c) Forty (40) hours of training must be completed within the scope of practice of the EMS personnel at their current level of licensure or certification. EMS personnel who are enrolled

in an education training program for a higher tier of license are eligible to take training courses which count toward the forty (40) hour requirement in both the current license level and/or the license tier for which the EMS personnel is training to achieve.

(4) Reimbursement Procedures.

- (a) The training pay supplement shall be based on the availability of funds appropriated by the General Assembly.
- (b) Payment will be made by the Department or other state government agency after demonstration of successful completion of forty (40) hours of training to the Department. Payment will not be advanced or furnished in anticipation of completing forty (40) hours of training.
- (c) To receive a training pay supplement from the Department or other state government agency, which is issued to qualifying EMS personnel by the ambulance service, an ambulance service shall register as a supplier with the State of Tennessee.
- (d) To begin the registration process, an ambulance service must register as a Supplier within the State of Tennessee's EDISON software platform at [https://hub.edison.tn.gov/psp/paprd/EMPLOYEE/EMPL/h/?tab=PAPP\\_GUEST](https://hub.edison.tn.gov/psp/paprd/EMPLOYEE/EMPL/h/?tab=PAPP_GUEST) under the "Supplier Portal Home Page" tab ("website") and complete the registration procedures by submitting all required information and documents as expressed on the website.
- (e) Once a completed registration is processed, the State of Tennessee shall issue a Supplier ID to the ambulance service.
- (f) A training pay supplement distribution shall only occur after the ambulance service receives a Supplier ID through the registration process and submits proof of completion and their Supplier ID to the Department.
- (g) Payment shall be made by the Department, or other state government agency, in a lump sum directly to the ambulance service handling the disbursement of funds.
- (h) The ambulance service that awards the training pay supplement shall be responsible for withholding any and all tax and other federal withholding requirements and for the payment of other applicable taxes of the training pay supplement.
- (i) The \$800 training pay supplement shall be distributed to qualifying EMS personnel within thirty (30) calendar days or the next appropriate pay cycle after disbursement to the licensed ambulance service.
- (j) The ambulance service receiving the funds shall be responsible for any increase in the employer's contribution to social security or like programs necessitated by the increase in the employee's annual base earnings.
- (k) EMS personnel shall not be eligible for the training pay supplement from more than one (1) ambulance service in a calendar year.

(5) Military Service Member EMS Personnel.

(a) EMS personnel who qualify under Tenn. Code Ann. § 68-140-335 are eligible to receive the \$800 dollar pay supplement.

(6) Audit Procedures.

(a) All accounts shall be subject to audit by the State Comptroller.

(b) All records pertaining to the training pay supplement shall be available for inspection by a member of the Department and shall be stored for five (5) years after the training pay supplement was issued.

(c) All licensed ambulance services that submit EMS personnel for receipt of the training pay supplement, are subject to annual, random audit by the Department.

(d) All EMS personnel who received the training pay supplement, are subject to annual, random audit by the Department.

(7) Disciplinary Action and Prosecution of False Claims.

(a) To guard against the misuse of State funds, Tennessee licensed ambulance services shall report to the Department and the Attorney General's Office within ten (10) days of discovery any fraudulent conduct or false representation in connection with the completion of training requirements committed by any EMS personnel in order to unjustly obtain the training pay supplement.

(b) The Board recognizes the possibility of inadvertent mistakes involved in record keeping. The Board shall seek immediate reimbursement of such funds erroneously paid due to the Tennessee licensed ambulance service. If such reimbursement is not immediately forthcoming, the Department, in conjunction with the Office of General Counsel, shall commence legal action accordingly.

(c) The Board may revoke, modify, suspend or condition the license of any Tennessee licensed ambulance service and/or EMS personnel, if it finds, after appropriate notice and hearing, that:

1. The requirements for the training pay supplement had not been met as pursuant to this rule but certified to the Department as complete; or

2. Any fraud, collusion, misrepresentation or substantial mistake was involved in the procurement of training pay supplement.

Authority: TCA §§ 68-140-304 and 68-140-335.