

**Maryland General Assembly
Department of Legislative Services**

**Emergency/Proposed Regulations
Maryland Institute for Emergency Medical Services Systems
(DLS Control No. 20-047)**

Overview and Legal and Fiscal Impact

The regulations establish licensure and certification requirements for emergency medical services (EMS) providers who hold provisional licenses or certificates issued during the COVID-19-related state of emergency and catastrophic health emergency proclaimed by the Governor.

The regulations present no legal issue of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

Maryland Institute for Emergency Medical Services Systems:

Emergency Medical Services Providers: Licensure and Certification:
COMAR 30.02.02.13

Legal Analysis

Background

On March 19, 2020, Governor Hogan issued an executive order (No. 20-03-19-03) authorizing the Executive Director of the Maryland Institute for Emergency Medical Services Systems (MIEMSS or institute) and the chairperson of the MIEMSS Board to suspend the effect of certain statutory and regulatory provisions establishing licensure and certification requirements for ambulance and other emergency service personnel. The action was taken to augment the EMS workforce to respond to the state of emergency and catastrophic health emergency prompted by the COVID-19 pandemic and proclaimed by the Governor. The preamble of the executive order states that the licensing, certification, and credentialing of EMS providers must be modified to expand the practice capabilities, permissions, and authorizations of those who already hold a Maryland license and those who are licensed in other states.

The executive order authorizes the suspension of licensure and certification requirements for emergency medical services providers upon a finding that the suspension will (1) not endanger the public health, welfare, or safety; (2) augment the EMS workforce; and (3) improve the response to the state of emergency and catastrophic health emergency. Under the executive order, the

suspension of license and certification requirements for EMS personnel must be (1) clinically appropriate and (2) necessary to provide services relating to the dispensing or administration of medications, immunizations, intravenous solutions, or drugs or the evaluation, screening, and treatment of patients. The executive order also authorizes the Executive Director and chairperson to issue additional, revised, or supplemental procedures or protocols concerning licensure, certification, or scope of practice as necessary to respond to the state of emergency and catastrophic health emergency.

The executive order lasts for the duration of the Governor's emergency proclamation, which was issued on March 5, 2020, and renewed on March 17, 2020.

Summary of Regulations

The regulations establish requirements for obtaining a regular license or certificate by certain EMS providers who currently hold a provisional license or certificate issued under the executive order of the Governor to augment the EMS workforce in response to the COVID-19 health emergency. Specific provisions are summarized below.

General Requirements for Provisional License or Certificate Holders

Under the regulations, a holder of a provisional EMS license or certificate issued under the executive order (No. 20-03-19-03), issued under the authority of the March 5, 2020 proclamation of a state of emergency and catastrophic health emergency to control and prevent the spread of COVID-19 (Proclamation), must receive a license or certification under § 13-516 of the Education Article if the holder (1) submits an application and completes requirements specified under the regulations within the required timeframe and (2) does not have a pending disciplinary matter or is not otherwise subject to denial.

The regulations specify that an EMS provider who holds a provisional license or certification must complete certain requirements within 180 days of the expiration or rescission of the Proclamation. During the required timeframe, the holder will remain provisionally licensed or certified and may continue to practice EMS. If a holder fails to submit an application or complete the requirements within the required timeframe, the provisional certificate or license will expire.

Specific requirements to obtain licensure or certification are summarized below.

Emergency Medical Technicians

Student Certification. A provisional emergency medical technician (EMT) who obtained provisional certification as a student must complete current regulatory requirements for regular certification within the required timeframe. In addition, a provisional EMT who obtained provisional certification as a student who affiliated with an EMS operational program and provided EMS during the catastrophic health emergency must have met a requirement specified in current regulations to complete an internship.

Certification through Reciprocity. A provisional EMT who obtained EMT certification via reciprocity must complete certain requirements, including completion of a certain protocol review approved by the institute.

Certification through Reinstatement. A provisional EMT who held an expired EMT certificate and was reinstated with a provisional certificate must meet certain requirements, such as providing documentation that while holding a provisional certificate, the EMT was affiliated with an EMS operational program, and documenting successful completion of 24 hours of EMS continuing education within the past 12 months. The requirements vary depending on whether the provisional EMT has previously passed the National Registry of Emergency Medical Technicians (NREMT) cognitive exam and had a lapsed certification for a specified period of time. For example, provisional EMTs who never passed the NREMT cognitive examination and were lapsed for more than three years must also successfully complete the cognitive and psychomotor reinstatement examinations approved by the institute.

Paramedics

Student Licensure. Under the regulations, a provisional paramedic who obtained provisional licensure as a student must (1) pass the NREMT cognitive examination within the required timeframe, and (2) pass the NREMT psychomotor examination and document current active, non-provisional status registration with NREMT by December 31, 2021.

Licensure through Reciprocity. Within the required timeframe, a provisional paramedic who obtained provisional licensure through reciprocity must document current active, non-provisional status as a paramedic with NREMT and successfully complete a protocol review session approved by the institute.

Licensure through Reinstatement. A provisional paramedic who obtained provisional licensure through reinstatement must provide documentation that while holding a provisional license the provisional paramedic was affiliated with an EMS operational program and provided EMS during the catastrophic health emergency. The provisional paramedic, among other requirements, must also complete a protocol review session approved by the institute.

Emergency Medical Responders

Student Certification. A provisional emergency medical responder (EMR) who obtained certification as a student must complete current regulatory requirements for regular certification within the required timeframe.

Certification Obtained through Reinstatement or Reciprocity. A provisional EMR who obtained provisional certification through reinstatement or via reciprocity must provide documentation that the provisional EMR affiliated with an EMS operational program and provided EMS during the catastrophic health emergency.

Cardiac Rescue Technicians

Within the required timeframe, a provisional cardiac rescue technician (CRT) who held an expired CRT license and was reinstated with a provisional license must document successful completion of 60 hours of certain continuing education requirements and successfully complete a protocol review session approved by the institute.

Emergency Medical Dispatchers

A provisional emergency medical dispatcher (EMD) who obtained a provisional license as a student, via reciprocity, or through reinstatement must meet current regulatory requirements for a regular license within the required timeframe.

Legal Issues

The regulations present no legal issues of concern.

Statutory Authority and Legislative Intent

The institute cites § 13-516 of the Education Article as authority for the regulations. More specifically, § 13-516(b) generally prohibits an individual from providing emergency medical services in the State unless issued a license or certificate by the EMS Board. Section 13-516(a) defines an “[e]mergency medical services provider” as an individual licensed or certified by the EMS Board as a cardiac rescue technician, an emergency medical dispatcher, an emergency medical responder, an emergency medical technician, or a paramedic. Section 13-516(c) states that the EMS Board must provide for the term and renewal of licenses or certificates issued under statute. Under § 13-516(d), the EMS Board may adopt rules, regulations, protocols, orders, and standards to carry out the provisions of the statute governing the licensure and certification of EMS providers.

This authority is correct and complete. The regulations comply with the legislative intent of the law.

Emergency Status

The institute requests emergency status beginning June 1, 2020 and expiring October 30, 2020. This emergency period is within the normal timeframes approved by the Joint Committee on Administrative, Executive, and Legislative Review. Regarding the reason for the requested emergency status, the institute states that the regulations must take effect before the state of emergency and catastrophic health emergency ends to enable the provisional EMS providers authorized by executive order during the emergency to complete requirements and transition to full licenses and certifications after the emergency ends.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The regulation complements Executive Order No. 20-03-19-03, which authorizes MIEMSS to suspend certain licensure and certification requirements for emergency medical personnel, thereby allowing these individuals to obtain a provisional license or certificate during the COVID-19 pandemic and state of emergency. The regulation establishes the process by which individuals who possess a provisional license or certificate under the executive order may obtain a regular emergency medical license or certificate. MIEMSS advises that the regulation has no fiscal impact on State or local governments. The Department of Legislative Services concurs that there is no fiscal impact beyond that of the executive order.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

MIEMSS advises that the regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

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