



BUREAU OF EMERGENCY MEDICAL SERVICES

EMS Information Bulletin 2012-08

DATE: May 3, 2012

SUBJECT: Emergency Medical Services Provided in Unlicensed Vehicles

TO: Pennsylvania EMS Organizations & Personnel

FROM: Bureau of Emergency Medical Services
PA Department of Health
(717) 787-8740

The Pennsylvania Department of Health, Bureau of Emergency Medical Services has received complaints regarding administration of oxygen by attendants staffing stretcher vans and wheelchair vans in Pennsylvania. The intent of this letter is to clarify EMS requirements when providing EMS in a vehicle that is not licensed or operated by an EMS agency in the Commonwealth of Pennsylvania.

Section 8103 of the Emergency Medical Services System Act (EMS System Act), 35 Pa.C.S. § 8103, defines “Emergency Medical Services” or “EMS” as any of the following:

- (1) The medical care, including medical assessment, monitoring, treatment, transportation and observation, which may be provided to a person in responding to an actual or reported emergency to:
 - (i) Prevent or protect against loss of life or a deterioration in physiological or psychological condition; or
 - (ii) Address pain or morbidity associated with the person’s condition.
- (2) The transportation of an individual with medical assessment, monitoring, treatment or observation of the individual who, due to the individual’s condition, requires medical assessment, monitoring, treatment or observation during the transport.

Section 8129(a) of the EMS System Act, 35 Pa.C.S. § 8129(a), states:

- (a) License required. –A person may not, as an owner, agent or otherwise, operate, conduct, maintain, advertise or otherwise engage in or profess to be engaged in operating or providing an ambulance, advanced life support squad vehicle, basic life support squad vehicle, quick response service, special operations EMS service or other vehicle or service as prescribed by the department by regulation to provide EMS outside a health care facility or on roadways, airways or waterways of this

Commonwealth unless the person holds a current EMS agency license authorizing the particular service or operation.

If a person requires stretcher van or wheelchair van attendants to administer, assess, monitor, treat, or observe a person – including in the delivery of oxygen to the person, while that person is being transported – or the oxygen is being provided by the transport agency, the operators of the transport vehicle are in violation of the EMS System Act for providing EMS without holding a license as an EMS agency and not using a licensed ambulance. If the patient needing transport provides and administers their own oxygen and does not require assessment, monitoring, treatment, or observation by the attendants throughout the transport, the Department has determined that this is not a violation of the EMS System Act.

While the Department does not intend to take action at this time, the Department will take action if this continues to occur within the Commonwealth. This action may include civil remedies or criminal penalties. As a reminder, a person who operates a service or vehicle for which a license is required under section 8129 (relating to emergency medical services agencies) and who does not have a license to operate the service or vehicle, or provides EMS without an EMS provider's certification or other legal authority to provide EMS, commits a misdemeanor of the third degree and that service and person may also be assessed a civil penalty by the Department pursuant to section 8156 of the EMS System Act (relating to penalties).

If you have any questions, please feel free to contact the Bureau of EMS at (717) 787-8740.