



**BUREAU OF EMERGENCY MEDICAL SERVICES**

**EMS Information Bulletin - # 074**

**DATE:** February 8, 2010  
**SUBJECT:** Stretcher and Wheelchair Vehicle  
**TO:** Regional EMS Directors  
**FROM:** Bureau of Emergency Medical Services  
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Since the signing of Act 37, which includes the EMS System Act (Act), the Bureau has been questioned regarding its interpretation of provisions of the Act that pertain to the operation of stretcher vehicles and wheelchair vehicles.

The Act prohibits the “[o]peration by an entity of a stretcher vehicle or wheelchair vehicle to transport a person who is known or reasonably should be known by the entity to require medical assessment, monitoring, treatment or observation during transport...” When the Department begins licensing EMS agencies such conduct by an EMS agency will constitute misconduct in operating an EMS agency and the Department will be empowered to take disciplinary action against an EMS agency for such conduct.

The Act further provides that such conduct is the unlawful operation of an ambulance and will empower the Department to impose a civil money penalty upon an entity not licensed as an EMS agency that engages in such conduct. It gives as examples of the unlawful operation of a stretcher vehicle or wheelchair vehicle as an ambulance the use of such vehicle for “the transportation of the person to or from a facility, a physician’s office or any other location to receive or from which the person received health care services.”

The question presented to the Bureau is whether it interprets these examples to apply to the transportation by a stretcher vehicle or wheelchair vehicle of any person to or from the places identified or whether it interprets the examples to apply to the transportation of a person to or from such places only if the person is “known or reasonably should be

known by the entity to require medical assessment, monitoring, treatment or observation during transport.” The Bureau’s interpretation is that the unlawful operation of a stretcher vehicle or wheelchair vehicle as an ambulance will occur only when the transporting entity knows or reasonably should know that the person it is transporting requires medical assessment, monitoring, treatment or observation during transport.

The purpose of this section of the Act is to ensure that a person who needs to be transported by stretcher or wheelchair and who requires medical assessment, monitoring, treatment or observation during transport is transported by a vehicle staffed, equipped and regulated to provide such services. That vehicle is an ambulance that will be operated by an EMS agency. The examples must be analyzed in that context. A person who does not need medical assessment, monitoring, treatment or observation during transport does not need to be transported by an ambulance. The Bureau considers the examples to simply identify transports that commonly require the provision of EMS to the person being transported. The focal point, however, is not the location to or from which the person is transported, but whether the person requires medical assessment, monitoring, treatment or observation during the transport.

Please note that the unlawful operation of a stretcher vehicle or wheelchair vehicle as an ambulance is also a misdemeanor of the third degree. The Bureau, and ultimately the Department, is empowered to interpret statutory provisions it administers, and the courts will give deference to the Department’s reasonable interpretation of such provisions. However, the Department has no control over how the Act’s provisions making it unlawful to operate a stretcher vehicle or wheelchair vehicle as an ambulance will be interpreted for criminal prosecution purposes.

Another question that has been asked is what restriction is there currently on operating a stretcher vehicle or wheelchair vehicle, rather than an ambulance, to transport a person who is known or reasonably should be known by the entity to require medical assessment, monitoring, treatment or observation during transport. Please note that the section of the Act that prohibits such conduct will take effect on February 14, 2010.