

**Department of State  
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Sequence  
Number: 08-21-09  
Rule ID(s): 4277  
File Date: 08/18/2009  
Effective Date: 11/16/2009

## Rulemaking Hearing Rule(s) Filing Form

*Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. TCA Section 4-5-205*

<b>Agency/Board/Commission:</b>	Tennessee Department of Health
<b>Division:</b>	Division of Emergency Medical Services
<b>Contact Person:</b>	Lucille F. Bond Assistant General Counsel
<b>Address:</b>	220 Athens Way, Suite 210
<b>Zip:</b>	Nashville, Tennessee 37243
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<b>Email:</b>	<a href="mailto:Lucille.F.Bond@tn.gov">Lucille.F.Bond@tn.gov</a>

**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. 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-.18	Emergency Medical Dispatcher Standards

Substance of Proposed Rules  
Chapter 1200-12-01  
General Rules  
Amendments

Rule 1200-12-01-.18 Emergency Medical Dispatcher Standards is amended by deleting part 3 of subparagraph (4)(a) in its entirety and substituting instead the following language, so that as amended, part 3 shall read:

3. Successfully pass an exam given through an approved dispatch organization that has pre-qualified for testing; or submit proof of having successfully certified as an EMD through an approved medical dispatch organization that has prequalified for certification reciprocity.

Rule 1200-12-01-.18 Emergency Medical Dispatcher Standards is amended by deleting subpart 3 (ii) of subparagraph (4)(b) in its entirety and substituting instead the following language, so that as amended, subpart 3(ii) shall read:

- (ii) Successfully complete an examination given through an approved medical dispatch organization that has qualified for recertification testing; or,

Authority: T.C.A. §§ 68-140-504 and 68-140-508.

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

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Charles M. Alderson, MD	X				
David Baxter	X				
Tim Bell	X				
Susan M. Breeden	X				
Robert L. Byrd	X				
Jeffrey L. Davis	X				
Julie A. Dunn, MD	X				
Larry Q. Griffin	X				
Kevin Mitchell	X				
Dennis W. Parker	X				
Lawrence Potter	X				
James E. Ross, RN	X				
Jackie W. Wilkerson	X				

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Board of Emergency Medical Services on 9/17/2007, and is in compliance with the provisions of TCA 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 7/31/2007

Notice published in the Tennessee Administrative Register on: 8/15/2007

Rulemaking Hearing(s) Conducted on: (add more dates). 9/17/2007

Date: 04/13/09

Signature: Lucille F. Bond

Name of Officer: Lucille F. Bond

Title of Officer: Assistant General Counsel

Subscribed and sworn to before me on: 4/13/09

Notary Public Signature: Theodora P. Wilkins

My commission expires on: 11/7/2011



All rulemaking hearing 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.

Robert E. Cooper, Jr.  
Robert E. Cooper, Jr.

8-18-09

Date

**Department of State Use Only**

Filed with the Department of State on:

8/18/09

Effective on:

11/16/09  
Tre Hargett

Tre Hargett  
Secretary of State

## **Public Hearing Comments**

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. §4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

(See attached memo)

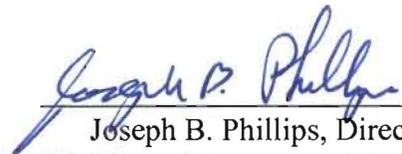


**STATE OF TENNESSEE**  
**DEPARTMENT OF HEALTH**  
**BUREAU OF HEALTH LICENSURE AND REGULATION**  
**DIVISION OF EMERGENCY MEDICAL SERVICES**  
227 FRENCH LANDING, SUITE 303,  
HERITAGE PLACE METROCENTER  
NASHVILLE, TN 37243

**MEMORANDUM**

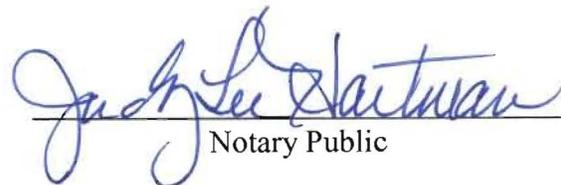
**Date:** December 7, 2007  
**To:** Attorney General Robert E. Cooper, Jr.  
**From:** Joseph B. Phillips, Director, Division of Emergency Medical Services  
**Subject:** Certification of Compliance with T.C.A. §4-5-222 as to Amendments of Rule 1200-12-1-.18 Emergency Medical Dispatcher Standards

I certify that there were no comments, either written or oral, filed at the rulemaking hearing held regarding this rule and therefore there are no responses required by T.C.A. §4-5-222 to be filed. I further certify compliance with all other provisions of T.C.A. §4-5-222.

  
\_\_\_\_\_  
Joseph B. Phillips, Director  
Division of Emergency Medical Services

Subscribed and sworn to before me on this the 7<sup>th</sup> day of December, 2007.



  
\_\_\_\_\_  
Notary Public

My commission expires on the 24<sup>th</sup> day of May, 2011.

Regulatory Flexibility Analysis

- (1) The federal government does not license ambulance services or health care professionals. These rules are similar to those established for other health care professional and the fees for licenses offset expenses to the department in issuing the licenses.
- (2) The proposed rules exhibit clarity, conciseness, and lack of ambiguity.
- (3) The proposed rules are not written with special consideration for the flexible compliance and/or requirements because the licensing boards have, as their primary mission, the protection of the health, safety and welfare of Tennesseans. However, the proposed rules are written with a goal of avoiding unduly onerous regulations while maintaining minimum compliance and promoting “best practices” among ambulance service providers.
- (4) The compliance requirements throughout the proposed rules are as “user-friendly” as possible while still allowing the division to achieve its mandated mission in licensing and regulating emergency medical services. There is sufficient notice between the rulemaking hearing and the final promulgation of these rules to allow services and providers to come into compliance with the proposed rules.
- (5) The proposed rules do not separate the application requirements for small businesses that are engaged in specific ambulance operations and concur with existing rules contained in General Rule 1200-12-01-.14. Some of these changes are mandated by amendments to T.C.A. § 68-140-506 resulting from Public chapter 26, Acts of 2007.
- (6) When the emergency medical services rules contain standards, there are statements included or interpretive guidance is adopted by the Board to indicate means of compliance with such standards. However, due to the nature of this industry, some standards must be design or operational in nature.
- (7) Emergency medical services rules contain initial licensure requirements and requirements to maintain licensure, but these are necessary for the protection of the health, safety and welfare of Tennesseans. The rules may create barriers to entry into the professions deemed necessary for the protection of the health, safety and welfare of the citizens of the State of Tennessee.

## Statement of Economic Impact to Small Businesses

1. Name of Board, Committee or Council:  
Tennessee Emergency Medical Services Board
2. Rulemaking Hearing Date: September 17, 2007  
Amendments to Rules: 1200-12-01-.18 Emergency Medical Dispatcher Standards
3. Types of small businesses that will be directly affected by the proposed rules:  
Providers of classroom training for Emergency Medical Dispatchers (EMD) and EMD personnel will be affected.
4. Types of small businesses that will bear the cost of the proposed rules:  
Educational providers will bear the cost of the requirements for the testing of applicants, but this is a current industry and nationwide practice.
5. Types of small businesses that will directly benefit from the proposed rules:  
Schools and training facilities will benefit by using their own examinations that would be based upon an approved curriculum for the EMD personnel.
6. Description of how small businesses will be adversely impacted by the proposed rules.  
For some EMD training programs, this rule may require development of a more comprehensive written examination.
7. Alternatives to the proposed rule that will accomplish the same objective but are less burdensome, and why they are not being proposed.  
The Board does not recognize any less burdensome requirements, since these amendments potentially reduce the number of examination that a person must complete. These examinations are sufficient to recognize and qualify Emergency Medical Dispatch personnel for certification.
8. Comparison of the proposed rule with federal or state counterparts:  
The board is not aware of any federal counterparts of the proposed rule. Several of the national accredited programs have similar arrangements in other states.

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

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

- (A)** A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

Rule 1200-12-01-.18 Emergency Medical Dispatcher Standards regulates the activities and practice of specialized emergency dispatch personnel who may provide pre-arrival instructions for emergency medical care. These rules establish standards for the education and training, professional conduct, scope of practice, and delivery of care or services by these personnel.

The amendments to this rule would amend the rule to provide that applicants would successfully pass an exam given through an approved dispatch organization that has pre-qualified for testing; or submit proof of having successfully certified as and EMS through an approved medical dispatch organization that has pre-qualified for certification reciprocity. similar standards for testing would apply for recertification by examination.

- (B)** 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;

The Emergency Medical Services Board may establish standards for EMS Personnel pursuant to Tennessee Code Annotated §§ 68-140-504, 68-140-505, 68-140-506, 68-140-507, 68-140-508, 68-140-511, and 68-140-525. The State law and regulations support the objectives for The Emergency Medical Dispatcher programs consistent with the National Highway Traffic Administration's EMS goals to develop and enhance comprehensive emergency medical service systems to care for all injured or ill patients, not just those involved in vehicle-related crashes.

- (C)** 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;

The changes to rules 1200-12-01-.18 Emergency Medical Dispatcher Standards will affect approximately sixty persons who apply for initial licensure each year. Approximately 50 to 100 person may apply for renewal each year as Emergency Medical Dispatchers.

- (D)** Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

No opinions of the attorney general or judicial rulings have been identified that affect this aspect of the amended rules. These amendments are similar to the actions of health regulatory boards concerning testing of licensed health care professionals.

- (E)** 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;

The amendments to the rules have minimal effect upon the state revenues and expenditures. Since the national certification by examination is already the accepted practice by local governments, there would be no additional costs for local agencies that already provide emergency medical dispatcher training.

- (F)** Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Joseph B. Phillips, Director, Division of Emergency Medical Services, Tennessee Department of Health;  
Richard F. Land, Director of Ambulance Service Licensure and Regulation, Division of Emergency Medical Services, Tennessee Department of Health;  
Lucy Bond, Assistant General Counsel, Office of General Counsel, Tennessee Department of Health

- (G)** Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Joseph B. Phillips, Director, Division of Emergency Medical Services, Tennessee Department of Health;  
Lucy Bond, Assistant General Counsel, Office of General Counsel, Tennessee Department of Health

- (H)** Office address and telephone number of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Joseph B. Phillips, Director, Division of Emergency Medical Services, Tennessee Department of Health;  
227 French Landing Drive, Suite 303, Heritage Place Metrocenter, Nashville, Tennessee 37243, (615) 741-2544.  
Lucy Bond, Assistant General Counsel, Office of General Counsel, Tennessee Department of Health, 220 Athens Way, Suite 210, Nashville, TN 37243 (615) 741-1611

- (I)** Any additional information relevant to the rule proposed for continuation that the committee requests.

None.