

Pursuant to the authority vested in the New York State Emergency Medical Services Council and subject to the approval of the Commissioner of Health pursuant to section 3002 of the Public Health Law, section 800.6 of Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York is hereby amended to be effective upon publication of a Notice of Adoption in the New York State Register, to read as follows:

Emergency Medical Services Personnel

Section 800.6 Initial Certification Requirements

To qualify for initial certification, an applicant shall:

- (a) file a completed application bearing the applicant's original signature in ink, or an electronic application approved by the department.

- (b) be at least 17 [18] years of age prior to the last day of the month in which he/she is scheduled to take the written certification examination for the course in which they are enrolled, except that an applicant for certified first responder must be at least 16 years of age prior to the last day of the month in which he/she is scheduled to take the written certification examination;

- (c) satisfactorily complete the requirements of a state-approved course given by a state-approved course sponsor at one of the following levels for which certification is available:

- (1) certified first responder (CFR);
- (2) emergency medical technician (EMT);
- (3) advanced emergency medical technician;
- (4) emergency medical technician-critical care (EMT-CC);
- (5) emergency medical technician-paramedic (EMT-P);
- (6) certified laboratory instructor (CLI); or
- (7) certified instructor coordinator (CIC).

(d) pass the State practical skills examination for the level at which certification is sought within one year of the scheduled written examination date for the course;

(e) after passing the practical skills examination, pass the State written certification examination for the level at which certification is sought within one year of the scheduled written examination date for the course, except at the certified instructor coordinator level and certified lab instructor level; and

(f) if the applicant has been convicted of one or more criminal offenses, as defined in section 800.3(ak) of this Part, be found eligible after a balancing of the factors set out in Article 23-A of Corrections Law. In accordance with that Article, no application for a license shall be denied by reason of the applicant having been previously convicted of one or more criminal offenses unless:

- (1) there is a direct relationship between one or more of the previous criminal offenses and duties required of this certificate; or
- (2) certifying the applicant would involve an unreasonable risk to property or the safety or welfare of a specific individual or the general public. In determining these questions, the agency will look at the eight factors listed under New York State Corrections Law Section 753.

(g) not have been found guilty or in violation, in any jurisdiction, of any other non-criminal offense or statutory and/or regulatory violation, as those terms are defined in Section 800.3 of this Part, relating to patient safety unless the department determines such applicant would not involve an unreasonable risk to property or the safety or welfare of a specific individual or the general public.

REGULATORY IMPACT STATEMENT

Statutory Authority:

Article 30 of the Public Health Law, section 3002 (2) grants the New York State EMS Council (SEMSCO) the power, by an affirmative vote of a majority of those present, subject to approval by the commissioner, to enact and, from time to time, amend and repeal rules and regulations establishing minimum standards for ambulance services, ambulance service certification, advanced life support first response services, the provision of prehospital emergency medical care, public education, the development of a statewide emergency medical services system, the provision of ambulance services outside the primary territory specified in the ambulance services' certificate and the training, examination, and certification of certified first responders, emergency medical technicians, and advanced emergency medical technicians; provided, however, that such minimum standards must be consistent with the staffing standards established by section 3005-a of the Public Health Law.

Legislative Objectives:

The legislative objective of PHL Article 30 includes establishing minimum standards for ambulance services and to promote appropriate staffing standards for the provision of EMS care.

Needs and Benefits:

At present, there is a dearth of individuals participating in the EMS system across the state. In order to be a Certified First Responder (CFR), an individual must be at least 16 years of age. However, this level of certification does not meet the minimum staffing

requirements for the transport of a patient in an ambulance. Approximately 2% of all certified EMS providers in New York State are under the age of twenty (20). Lowering the minimum age for initial EMT certification to 17 would enable high school age individuals who are currently in school to be certified through structured, school based programs and complete the certification process prior to graduating. At present, the age requirement of 18 precludes many students from being certified before graduation. There may be employment and volunteer opportunities for people who are 17 years old who complete the training and achieve initial EMT certification.

Costs:

Costs to Regulated Parties:

The rule does not impose any new compliance costs on regulated parties.

Costs to the Agency and to the State and Local Governments Including this Agency:

The rule does not impose any new compliance costs to the Agency, the State or Local Governments.

Local Government Mandates:

This rule imposes no mandates upon any county, city, town, village, school district, fire district, or other special district.

Paperwork:

The rule imposes no new reporting requirements, forms, or other paperwork upon regulated parties.

Duplication:

There are no relevant rules or other legal requirements of the Federal or State governments that duplicate, overlap, or conflict with this rule.

Alternatives:

The alternative is to maintain the current regulatory requirement that an individual must be eighteen (18) years of age prior to the last day of the month in which he/she is scheduled to take the written certification examination for the course in which they are enrolled. As stated above, this requirement precludes many students from being certified before graduation.

Federal Standards:

The rule does not exceed any minimum standards of the Federal government for the same or similar subject area.

Compliance Schedule:

The amendment will take effect when the Notice of Adoption is published in the State Register.

Contact Person:

Katherine Ceroalo
New York State Department of Health
Bureau of House Counsel, Regulatory Affairs Unit
Corning Tower Building, Rm 2438
Empire State Plaza
Albany, New York 12237
(518) 473-7488
(518) 473-2019 (FAX)
REGSQNA@health.ny.gov

**STATEMENT IN LIEU OF
REGULATORY FLEXIBILITY ANALYSIS**

No regulatory flexibility analysis is required. The proposed amendment does not impose an adverse economic impact on small businesses or local governments, and it does not impose reporting, record keeping or other compliance requirements on small businesses or local governments. At present the regulations require an individual to be eighteen (18) years of age prior to the last day of the month in which he/she is scheduled to take the written certification examination for the course in which they are enrolled. This proposed amendment would reduce the minimum age to seventeen (17) years of age in order to enable training programs to be offered in high schools and BOCES programs so that young people would be able to work or volunteer as EMS providers.

**STATEMENT IN LIEU OF
RURAL AREA FLEXIBILITY ANALYSIS**

No rural area flexibility analysis is required. The proposed amendment does not impose an adverse impact on facilities in rural areas, and it does not impose reporting, record keeping or other compliance requirements on facilities in rural areas. At present the regulations require an individual to be eighteen (18) years of age prior to the last day of the month in which he/she is scheduled to take the written certification examination for the course in which they are enrolled. This proposed amendment would reduce the minimum age to seventeen (17) years of age in order to enable training programs to be offered in high schools and BOCES programs so that young people would be able to work or volunteer as EMS providers.

STATEMENT IN LIEU OF JOB IMPACT STATEMENT

A Job Impact Statement for these amendments is not being submitted because it is apparent from the nature and purposes of the amendments that they will not have a substantial adverse impact on jobs and/or employment opportunities. At present the regulations require an individual to be eighteen (18) years of age prior to the last day of the month in which he/she is scheduled to take the written certification examination for the course in which they are enrolled. This proposed amendment would reduce the minimum age to seventeen (17) years of age in order to enable training programs to be offered in high schools and BOCES programs so that young people would be able to work or volunteer as EMS providers.