

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, sections 800.6 and 800.12 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.

Section 800.6(b) is amended to read as follows:

(b) be at least [18] 17 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;

Section 800.12(b)(8) is amended as follows:

(8) be at least [18] 17 years of age.

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. These opportunities will now be available to those people who are 17 years old and certified in another state.

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.

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**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. This proposed amendment would also allow for those persons who are 17 years old and certified in another state to receive reciprocity.

**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.

ASSESSMENT OF PUBLIC COMMENT

Public comments were submitted to the NYS Department of Health (Department) in response to the proposed addition to Title 10 NYCRR Part 800.6. These comments and the Department's responses are summarized below:

COMMENT: The Department received two (2) comments that raised concerns regarding the lowering of the minimum age for certification as an emergency medical technician (EMT) from 18 to 17 years of age. The commenters raised concerns over the maturity of 17-year-old persons and their competence to act as an EMT. Specifically, a commenter raised concerns as to whether a minor (17 years old) can legally administer medication, invoke consent, or fill out relevant documents associated with their duties as EMTs.

RESPONSE: Changing the minimum age for certification as an EMT, from 18 to 17 years of age, will allow more potential new EMS providers to complete the requirements for initial certification while they are still enrolled in high school. The Department believes that the training and certification requirements will prepare EMTs to sufficiently carry out the duties of an EMT, including administering medication, invoking consent, and completing all relevant paperwork associated with performing their duties.

EMS agencies are free to adopt rules governing the age of their members or employees, so long as those rules are in compliance with State and Federal laws and regulations.

Any EMS agency employing an EMT who is 17 years-of-age would be required to comply with the laws governing the employment of minors in NYS.

COMMENT: The Department received eight (8) comments in support of the proposed regulations including from the County of Wyoming Fire/EMS Coordinator, the chief Emergency officer for Pioneer High School, and the New York American College of Emergency Physicians.

RESPONSE: The Department acknowledges the letters of support.

COMMENT: The Department received a comment in support of the proposed regulation from Assembly Members Richard Gottfried and Dan Quart. Additionally, the Assembly Members proposed that an additional revision to 10 NYCRR 800.12(b)(8) should be made for consistency. Currently, 10 NYCRR 800.12(b)(8) requires that a candidate for reciprocal certification as an EMT must be at least 18 years of age. They recommend that the Department also amend that minimum age limit to 17 years of age.

RESPONSE: The Department agrees and will seek to amend 10 NYCRR 800.12(b)(8) to reflect the new minimum age requirement.