



To: Jill Hunsaker Ryan, Executive Director

From: D. Randy Kuykendall, Director, HFEMSD DRK

Date: April 10, 2020

Subject: Emergency Rulemaking Hearing concerning 6 CCR 1015-3, Emergency Medical Services, Chapter 1, Rules Pertaining to EMS and EMR Education, EMS Certification, and EMR Registration; and Chapter 5, Rules Pertaining to Air Ambulance Licensing

On March 25, 2020, pursuant to the authorities under C.R.S. § 24-33.5-704(7), Governor Polis issued Executive Order D 2020-015 authorizing the Executive Director of the Colorado Department of Public Health and Environment to “promulgate and issue emergency rules...extending the expiration date of...licenses, endorsements, registrations, and certifications expiring in the next thirty (30) days” required by certain statutory provisions, including EMS provider certification as listed in C.R.S. § 25-3.5-203; community paramedic endorsements as listed in C.R.S. § 25-3.5-203.5(1)(b); critical care paramedic endorsements as listed in C.R.S. § 25-3.5-206(4)(a)(V)(A); and air ambulance licenses as listed in C.R.S. § 25-3.5-307.

As a result of COVID-19 mitigation efforts in Colorado, EMS providers and air ambulances that need to renew licenses, certifications, and/or endorsements may be unable to complete the requirements for renewal, to the extent that those requirements include an action that must be taken in-person, such as completing a fingerprint-based background check, in-person training or skills assessment, or on-site inspection.

Pursuant to the Executive Order, the Division is requesting that the Executive Director revise this regulation in order to extend the expiration date for any of the licenses, certifications, and/or endorsements covered by Section II(H) of the Executive Order.

Findings Pursuant to C.R.S. § 24-4-103(6)

In response to COVID-19, Governor Polis verbally declared a disaster emergency on March 10, 2020, and issued the corresponding Executive Order D 2020 003 on March 11, 2020. A wide array of actions have been taken to mitigate the effects of the pandemic, prevent further spread, and protect against overwhelming our health care resources. The risk of contamination posed by COVID-19 has necessitated closure of multiple businesses.

EMS providers require in person activities for certification and endorsement renewal, and licensed air ambulances seeking renewal are subject to in-person site visits. Therefore, the Executive Director finds that immediate adoption of these revisions is imperative to preserve the public health, safety and welfare, and that compliance with the normal rulemaking requirements of C.R.S. § 24-4-103, would be contrary to the public interest.

Any renewal of the license, certification, and/or endorsement that may be completed online, and without any in person activities, shall not have an extended expiration date pursuant to this emergency rule and all requirements for renewal must be completed.

STATEMENT OF BASIS AND PURPOSE
AND SPECIFIC STATUTORY AUTHORITY AND FINDINGS IN SUPPORT OF
ADOPTION OF EMERGENCY REVISIONS to
6 CCR 1015-3, Emergency Medical Services, Effective April 10, 2020.

Basis and Purpose.

Pursuant to Executive Order D 2020-015, this rule was modified to extend the EMS provider certifications and endorsements and air ambulance licenses that expire during the period covered by Executive Order D 2020-015 until the expiration of these emergency rules.

As part of its regulatory and oversight activities, the Health Facilities and Emergency Medical Services Division (Division) issues EMS provider licenses and endorsements and air ambulance licenses. The EMS licenses are issued for a term of three years, air ambulance service licenses are issued for a term of two years; recognition of a service's out-of-state license expires after one year. Certificates, endorsements, and licenses are required in order for these providers and services to operate legally in Colorado. The Division has established processes and requirements for renewal of these certificates, endorsements, and licenses. Depending on the circumstances of the individual certificate, endorsement, or license, these renewal processes may have a requirement that has an in-person component which cannot be completed online, such as a fingerprint-based background check, completion of training or testing that is not available online, or an on-site inspection. As a result of COVID-19 mitigation efforts in Colorado and other states, organizations and individuals regulated by the Division may be unable to complete certificate, endorsement and license renewal requirements, but it is critical that these resources remain available to assist with Colorado's COVID-19 response.

Any renewal of a certificate, endorsement or license that may be completed online, and without any in-person activities, shall not have an extended expiration date pursuant to this emergency rule and all requirements for renewal must be completed.

Specific Statutory Authority.

The following provisions provide the authority for this hearing:

Article IV, Section 2 of The Colorado Constitution

Section 24-33.5-704, C.R.S.

Section 24-4-103(6), C.R.S.

Section 25-3.5-203.5(1)(b), C.R.S.

Section 25-3.5-307, C.R.S.

Section 25-3.5-203, C.R.S.

Section 25-3.5-206(4)(a)(V)(A), C.R.S.

Does the proposed rule language create (or increase) a state mandate on local government?

No.

- The proposed rule does not require a local government to perform or increase a specific activity for which the local government will not be reimbursed;
- The proposed rule requires a local government to perform or increase a specific activity because the local government has opted to perform an activity, or;
- The proposed rule reduces or eliminates a state mandate on local government.

___ Yes.

This rule includes a new state mandate or increases the level of service required to comply with an existing state mandate, and local government will not be reimbursed for the costs associated with the new mandate or increase in service.

The state mandate is categorized as:

___ Necessitated by federal law, state law, or a court order

___ Caused by the State's participation in an optional federal program

___ Imposed by the sole discretion of a Department

___ Other: _____

(i.e. requested by local governments and consensus was achieved)

Has an elected official or other representatives of local governments disagreed with this categorization of the mandate? ___Yes XNo. If "yes," please explain why there is disagreement in the categorization.

Please elaborate as to why a rule that contains a state mandate on local government is necessary.

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities and Emergency Medical Services Division

EMERGENCY MEDICAL SERVICES

6 CCR 1015-3

CHAPTER ONE - RULES PERTAINING TO EMS AND EMR EDUCATION, EMS CERTIFICATION, AND EMR REGISTRATION

Section 5 – Emergency Medical Services Provider Certification

5.5 TEMPORARY EXTENSION FOR RENEWAL OF CERTIFICATION APPLICATION PROCEDURE

- (A) ALL EMS CERTIFICATIONS, INCLUDING A PARAMEDIC WITH A COMMUNITY PARAMEDIC AND/OR CRITICAL CARE ENDORSEMENT, THAT EXPIRE DURING THE PERIOD OF TIME COVERED BY EXECUTIVE ORDER D 2020-015, OR ANY LATER ISSUED ORDER THAT AMENDS OR EXTENDS EXECUTIVE ORDER D 2020-015, FOR WHICH CERTIFICATE HOLDERS ARE UNABLE TO MEET THE REQUIREMENTS OF SECTIONS 5.3 AND 5.4, SHALL BE EXTENDED UNTIL THE EXPIRATION OF THIS EMERGENCY RULE.
- (B) THIS TEMPORARY EXTENSION FOR RENEWAL OF A CERTIFICATE SHALL NOT APPLY IF THE CERTIFICATE HOLDER CAN COMPLETE ALL APPLICABLE REQUIREMENTS FOR RENEWAL ONLINE. THE CERTIFICATE HOLDER MUST TIMELY COMPLETE THE RENEWAL APPLICATION REQUIREMENTS IF ALL SUCH REQUIREMENTS CAN BE COMPLETED ONLINE.

CHAPTER FIVE - RULES PERTAINING TO AIR AMBULANCE LICENSING

Section 8 – Licensing Renewal and Recognition of Out of State License Renewal

8.5 TEMPORARY EXTENSION FOR LICENSE RENEWAL APPLICATION PROCEDURE

- (A) ALL LICENSES THAT EXPIRE DURING THE PERIOD OF TIME COVERED BY EXECUTIVE ORDER D 2020-015, OR ANY LATER ISSUED ORDER THAT AMENDS OR EXTENDS EXECUTIVE ORDER D 2020-015, FOR WHICH LICENSEES ARE UNABLE TO MEET THE REQUIREMENTS OF SECTIONS 4.2, 5.4, 5.7, AND 8.1 THROUGH 8.4, SHALL BE EXTENDED UNTIL THE EXPIRATION OF THIS EMERGENCY RULE.**

- (B) THIS TEMPORARY EXTENSION FOR RENEWAL OF A LICENSE SHALL NOT APPLY IF THE LICENSEE CAN COMPLETE ALL APPLICABLE REQUIREMENTS FOR RENEWAL ONLINE. THE LICENSEE MUST TIMELY COMPLETE THE RENEWAL APPLICATION REQUIREMENTS IF ALL SUCH REQUIREMENTS CAN BE COMPLETED ONLINE.**
