

August 1, 2023

Liz Fordahl, Counsel  
North Dakota Legislative Council  
State Capitol  
Bismarck, ND 58505

RE: Proposed Amendments to N.D. Admin. Code Chapters 33-11-01.1, 33-11-01.2, 33-11-02, 33-11-03, 33-11-04, 33-11-05, 33-11-06, and 33-11-07, relating to North Dakota Quick Response Units, North Dakota Ground Ambulance Services, Basic Life Support Ground Ambulance License, Advanced Life Support Ground Ambulance License, North Dakota Air Ambulance Services, Basic Life Support Air Ambulance License, Advanced Life Support Air Ambulance License, and Critical Care Air Ambulance License.

Dear Ms. Fordahl:

Enclosed for filing in the office of the Legislative Council is the Notice of Intent to Amend Administrative Rules concerning the above proposed rules as required by N.D.C.C. section 28-32-10. Also enclosed is a copy of the proposed rules.

We have requested publication of an abbreviated newspaper publication notice once in each official county newspaper which will notify the public that an oral hearing on these rules will be held on Monday, September 18, 2023, beginning at 2:30 p.m. and continuing until 4:00 p.m. or until no further testimony is offered, whichever occurs first.

If you have any questions or concerns, please contact me at 328-2311. Thank you.

Sincerely,



Jonathan Alm  
Legal Division

JA/rv

cc: Christopher Price, Emergency Medical Systems  
Tim Wiedrich, Health Response & Licensure  
Dirk Wilke, Executive Director of Public Health Division

Enclosures

LEGAL

NOTICE OF INTENT TO AMEND  
ADMINISTRATIVE RULES RELATING TO  
N.D. ADMIN. CODE CHAPTERS 33-11-01.1, 33-11-01.2, 33-11-02, 33-11-03,  
33-11-04, 33-11-05, 33-11-06, AND 33-11-07,  
NORTH DAKOTA QUICK RESPONSE UNITS, NORTH DAKOTA GROUND  
AMBULANCE SERVICES, BASIC LIFE SUPPORT GROUND AMBULANCE  
LICENSE, ADVANCED LIFE SUPPORT GROUND AMBULANCE LICENSE, NORTH  
DAKOTA AIR AMBULANCE SERVICES, BASIC LIFE SUPPORT AIR AMBULANCE  
LICENSE, ADVANCED LIFE SUPPORT AIR AMBULANCE LICENSE, AND  
CRITICAL CARE AIR AMBULANCE LICENSE

TAKE NOTICE that the North Dakota Department of Health and Human Services will hold a public hearing to address proposed amendments to N.D. Admin. Code chapters 33-11-01.1, 33-11-01.2, 33-11-02, 33-11-03, 33-11-04, 33-11-05, 33-11-06, and 33-11-07 at 2:30 p.m. on Monday, September 18, 2023, in Bismarck, N.D. in Room 210, located on the second floor of the Judicial Wing of the State Capitol.

The proposed amendments to N.D. Admin. Code chapters 33-11-01.1, 33-11-01.2, 33-11-02, 33-11-03, 33-11-04, 33-11-05, 33-11-06, and 33-11-07, North Dakota Quick Response Units, North Dakota Ground Ambulance Services, Basic Life Support Ground Ambulance License, Advanced Life Support Ground Ambulance License, North Dakota Air Ambulance Services, Basic Life Support Air Ambulance License, Advanced Life Support Air Ambulance License, and Critical Care Air Ambulance License, are as follows:

**Section 33-11-01.1-01** is amended to revise definitions for “department”, “emergency medical responder”, and “emergency medical technician”, and removes definitions regarding “cardiopulmonary resuscitation” and “state health council”.

**Section 33-11-01.2-01** is amended to create, revise, and remove definitions relating to ground ambulance services.

**Section 33-11-01.2-02** is amended to detail licensure requirements for ground ambulance services.

**Section 33-11-01.2-03** is amended to describe the content required in a licensure application.

**Section 33-11-01.2-04** is amended to describe the circumstances in which a ground ambulance service license is issued or renewed.

**LEGAL**

**Section 33-11-01.2-05** is amended to remove the provision for special licenses for industrial site use.

**Section 33-11-01.2-06** is repealed.

**Section 33-11-01.2-06.1** is created to establish headquarter and substation ambulance requirements.

**Section 33-11-01.2-07** is amended to provide ground ambulance service requirements, including driver licensure and ambulance equipment.

**Section 33-11-01.2-08** is repealed.

**Section 33-11-01.2-09** is repealed.

**Section 33-11-01.2-10** is repealed.

**Section 33-11-01.2-11** is amended to clarify that out-of-state operators of ground ambulance services that seek to provide interfacility transportation originating in North Dakota must be licensed in North Dakota and provide 911 response within North Dakota.

**Section 33-11-01.2-12** is amended for consistency purposes.

**Section 33-11-01.2-13** is amended to expand and clarify existing ground ambulance service vehicle requirements.

**Section 33-11-01.2-14** is amended to authorize the transportation of an individual to an alternative destination rather than a hospital with permission of medical control and for consistency purposes.

**Section 33-11-01.2-15** is amended for consistency purposes and to add suspected stroke or stroke-like symptoms.

**Section 33-11-01.2-16** is amended to remove references to radios and pagers and amended for consistency purposes.

**Section 33-11-01.2-17** is amended to remove the response time to the scene requirements that had been specific to rural and city areas and amended for clarification and consistency purposes.

**Section 33-11-01.2-18** is repealed.

**Section 33-11-01.2-19** is repealed.

**Section 33-11-01.2-19.1** is created to permit department to designate service areas for ambulance coverage, to ensure adequate ambulance service coverage.

**Section 33-11-01.2-20** is amended to require each licensed ambulance service to be aware of its role as defined by local, county, and state emergency operations plans.

**Section 33-11-01.2-21** is amended to establish a process for denials, suspension, or revocation of licensure, as well as detailing correction plan requirements for licensed ambulance services that fail to meet standards.

**Section 33-11-01.2-22** is created to permit issuance of a special licensure status for industrial site ambulance services.

**Section 33-11-01.2-23** is created to permit a special licensure status for federal or state government emergency operations.

**Section 33-11-01.2-24** is created to identify general operating standards for ground ambulance services including required documentation, use of individuals under eighteen years of age, communicating with public safety answering points, use of lights and other warning devices, and emergency medical service provider credentialing.

**Section 33-11-01.2-25** is created to clarify scene management concepts based upon the credential level of the emergency medical services personnel available at the scene of the emergency to care for the patient.

**Section 33-11-02-00.1** is created to identify the purpose of chapter 33-11-02.

**Section 33-11-02-01** is amended to require an emergency medical services vehicle operator to have a current driver's license and cardiopulmonary resuscitation certification.

**Section 33-11-02-02** is amended to describe the minimum staffing requirements for a basic life support ambulance crew, and to detail a basic life ambulance crew's duties when a higher-level emergency medical service vehicle crew is present.

**Section 33-11-02-03** is amended to describe the minimum equipment requirements for a basic life support ambulance.

**Section 33-11-03-00.1** is created to identify the purpose of chapter 33-11-03.

**Section 33-11-03-01** is amended to describe the minimum staffing for an advanced life support ambulance crew, and to the crew's duties when a lower level emergency medical service vehicle crew is present.

**Section 33-11-03-02** is amended to describe the minimum equipment requirements for an advanced life support ground ambulance.

**Section 33-11-03-03** is amended to describe the minimum medication requirements for an advanced life support ground ambulance.

**Section 33-11-03-05** is amended to remove the population-based requirement for numbers of ambulances to be staffed.

**Section 33-11-04-01** is amended to create, amend, and remove definitions relating to North Dakota Air Ambulance Services.

**Section 33-11-04-02** is amended to detail the relicensing process for air ambulance services.

**Section 33-11-04-03** is amended to detail the license application process for air ambulance services.

**Section 33-11-04-04** is amended to clarify the process for issuance of a license.

**Section 33-11-04-05** is amended to remove language that had established availability requirements for basic life support air ambulance services and advanced life support air ambulance services.

**Section 33-11-04-06** is amended to remove language that had established minimum personnel standards for licensed basic life support air ambulance services and licensed advanced life support air ambulance services.

**Section 33-11-04-07** is amended to establish circumstances under which out-of-state operators can pick up patients within North Dakota for transportation within the state.

**Section 33-11-04-09** is amended to update a legal reference.

**Subsection 3 of section 33-11-04-14** is amended to update the written process for accessing online medical control.

**Section 33-11-04-15** is amended to establish an electronic reporting process to provide a report to department for each air ambulance run within seventy-two hours and amended for consistency purposes.

**Chapter 33-11-05** is repealed.

**Chapter 33-11-06** is repealed.

**Section 33-11-07-01** is amended to remove language regarding staffing for elective transports for patients that are in stable condition and to update a citation.

**Section 33-11-07-02** is amended to detail minimum equipment requirements for a critical care air ambulance.

The proposed amendments are not anticipated to have an impact on the regulated community in excess of \$50,000. No taking of real property is involved in this rulemaking action.

Copies of the proposed rules are available for review at human service zones and at human service centers. Copies of the proposed rules and the regulatory analysis relating to these rules, may be requested by telephoning (701) 328-2311. Written or oral data, views, or arguments may be entered at the hearing or sent to: Rules Administrator, North Dakota Department of Health and Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Dept. 325, Bismarck, ND 58505-0250. Written data, views, or arguments on the proposed rules must be received no later than 5:00 p.m. on Thursday, September 28, 2023.

**ATTENTION PERSONS WITH DISABILITIES:** If you plan to attend the hearing and will need special facilities or assistance relating to a disability, please contact the Department of Health and Human Services at the above telephone number or address at least two weeks prior to the hearing.

Dated this 1st day of August, 2023.

August 1, 2023

RE: Proposed Amendments to N.D. Admin. Code Chapters 33-11-01.1, 33-11-01.2, 33-11-02, 33-11-03, 33-11-04, 33-11-05, 33-11-06, and 33-11-07, North Dakota Quick Response Units, North Dakota Ground Ambulance Services, Basic Life Support Ground Ambulance License, Advanced Life Support Ground Ambulance License, North Dakota Air Ambulance Services, Basic Life Support Air Ambulance License, Advanced Life Support Air Ambulance License, and Critical Care Air Ambulance License.

TO WHOM IT MAY CONCERN:

The Department of Health and Human Services is proposing amendments to N.D. Admin. Code Chapters 33-11-01.1, 33-11-01.2, 33-11-02, 33-11-03, 33-11-04, 33-11-05, 33-11-06, and 33-11-07. The department has adopted procedures to assure public input into the formulation of the rules prior to adoption.

In conformity with those procedures, we are providing you with a copy of the proposed rules and are requesting that you provide any written data, views, or arguments no later than 5:00 p.m. on Thursday, September 28, 2023.

The department has scheduled an oral hearing for Monday, September 18, 2023. Further information concerning the public hearing is included in the attached notice of proposed rulemaking and public hearing.

Your participation is welcomed, as are your suggestions. Please send all written data, views, or arguments to: Rules Administrator, Department of Health and Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Bismarck, ND 58505-0250.

Sincerely,



Christopher Jones  
Commissioner

Enclosures

cc: Liz Fordahl, Legislative Council  
Christopher Price, Emergency Medical Systems  
Tim Wiedrich, Health Response & Licensure  
Dirk Wilke, Executive Director of Public Health Division

**EXECUTIVE OFFICE**

GOVERNOR  
Doug Burgum

COMMISSIONER  
Christopher Jones