

**EMS and Trauma Systems Section
Montana Department of Public Health and Human Services**

**Application for Waiver of Emergency Medical Services
Licensing Requirements**

50-6-323 Montana Code Annotated – Waiver of Licensing Requirements

- (1) *The department may waive any licensing requirements under this part upon submission and approval of a written application for waiver by a person subject to licensing under this part.*
- (2) *The department may waive a licensing requirement if the person provides sufficient justification to allow a finding by the department that:
(a) the waiver is necessary to avoid significant financial or other hardship; and
(b) granting the waiver would not jeopardize patient care or the public health and safety.*
- (3) *A waiver must be issued on a temporary basis, not exceeding 6 months, and may be renewed by the department upon submission and approval of an additional application for waiver of licensing requirements.*
- (4) *A waiver granted by the department may be revoked for good cause after notice and an opportunity for a hearing before the department has been provided to the person affected by the department's action.*
- (5) *The decision of the department to deny or revoke a waiver under this section may be appealed to the board.*

37.104.107 Administrative Rules of Montana - Waivers

- (1) *A request for a waiver of any licensing requirement, pursuant to 50-6-325, MCA, must be submitted to the department on a form specified by the department.*
- (2) *An emergency medical service that is issued a waiver must notify the department of any change in the circumstances which originally justified the waiver.*

Please list below the specific sections of the Administrative Rules of Montana which you request to be waived for your emergency medical services, and provide a detailed narrative justification of the reason you are requesting the waiver (i.e. why, unless a waiver is approved, the service would suffer a significant financial or other kind of hardship, and why patient care and the health and safety of the public would not be jeopardized if the waiver were approved. Also, specify what specific steps you are taking to meet the requirements of the rules, and to avoid future requests for waivers. Use additional sheets if necessary.

Name of EMS service: _____

License #: _____

SECTION(S) OF LICENSING RULES TO BE WAIVED

37.104.316 PERSONNEL REQUIREMENTS: BASIC LIFE SUPPORT GROUND AMBULANCE SERVICE

- (1) Except as provided for in 50-6-322, MCA, a basic life support ground ambulance service must ensure that at least two of the following individuals are on board the ambulance when a patient is loaded or transported:
 - (a) an ECP-EMR with the proviso that having only two EMP-EMR personnel on a call is not allowed;
 - (b) an EMT-basic equivalent; or
 - (c) a physician.
- (2) A basic life support ambulance service may be authorized as provided in ARM 37.104.320 to provide on some calls, based on personnel availability, a higher level of care than that for which it is licensed.

(3) Persons utilized as drivers of ambulances must complete training equivalent to the emergency vehicle operation objectives in a board-approved ECP-EMT course.

37.104.102 PERSONNEL: AEMT GROUND AMBULANCE SERVICE

(1) An AEMT ground ambulance service must:

(a) meet the personnel requirements of a basic life support ground ambulance service as provided in ARM 37.104.316; and

(b) when transporting a patient at the AEMT life support level, ensure that one of the required personnel is an ECP-AEMT equivalent provider.

37.104.319 PERSONNEL: ADVANCED LIFE SUPPORT GROUND AMBULANCE SERVICE

(1) An advanced life support ground ambulance service must:

(a) meet the personnel requirements of a basic life support ground ambulance service contained in ARM 37.104.316; and

(b) when transporting a patient at the advanced life support level, ensure that one of the required personnel is an ECP-paramedic equivalent.

JUSTIFICATION

To mobilize more EMS Ground Transporting units available for both 9-1-1 and Interfacility transfers to handle the probability of increased demand during the Covid-19 Pandemic in Montana. This waiver will allow any Montana licensed Ground Ambulance Service to operate with a minimum of one EMT and one trained driver.

HOW LONG DO YOU EXPECT TO NEED THIS WAIVER? – Waivers cannot exceed 6 months. Extensions are only approved through an additional application

This waiver will be in effect for six months or until the Covid-19 Pandemic is no longer requiring extra resources. Units granted the waiver will be notified if the waiver period is shortened or extended by email &/or phone call.

RESOLUTION PLAN – What actions are you taking to overcome the challenges which require this waiver?

Agencies requesting the waiver will use this waiver period to handle increased demand for ground transports. Once the Covid-19 Pandemic is declared to have, ceased all waiver recipients will return to the staffing requirements prior to this waiver.

Signature of Authorized Representative

date

Name – printed or typed

Send this waiver to:
EMS and Trauma Systems
PO Box 202951
Helena MT 59620

Fax: (406) 444-1814

Email to: sgraham2@mt.gov