



State of New Jersey
DEPARTMENT OF HEALTH

PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lt. Governor

OFFICE OF EMERGENCY MEDICAL SERVICES
PO BOX 360
TRENTON, N.J. 08625-0360
www.nj.gov/health

JEFFREY A. BROWN
Acting Commissioner

**Certificate of Waiver for
Basic Life Support Services (Extension)**

Pursuant to the provisions of N.J.A.C. 8:40-1.4, a waiver is issued to:

All Licensed Basic Life Support (BLS) Agencies
providing non-emergent BLS transportation

Granting relief from the BLS staffing requirement set out in N.J.A.C. 8:40-6.3

Pursuant to N.J.A.C. 8:40-6.3, a BLS ambulance must be staffed with a minimum of two certified Emergency Medical Technician (EMTs) when it is in service. Due to workforce shortages BLS agencies have experienced in recent years, the BLS staffing requirement has been relaxed through temporary legislative enactments. Specifically, P.L. 2021, c.477 authorized BLS agencies to operate with one EMT and one Emergency Medical Responder (EMR) for the non-emergent transportation of patients on a temporary basis until January 1, 2023. Pursuant to P.L. 2022, c.132, that authorization was extended for an additional one-year period and was set to expire on January 1, 2024. Accordingly, absent further legislative or regulatory action to the contrary, the BLS staffing requirements set forth in N.J.A.C. 8:40-6.3 were set to resume effect on January 1, 2024.

The BLS industry reached out to the Department of Health, Office of Emergency Medical Services (OEMS) expressing concerns about the potential consequences associated with the expiration of P.L. 2022, c.132. Specifically, BLS providers advised, and data compiled by the New Jersey Department of Labor and Workforce Development showed, that EMT workforce shortages remain throughout the industry. As a result, it was anticipated that hundreds of ambulances would have been temporarily taken out of service on January 1, 2024, due to their inability to meet the minimum EMT staffing requirements set forth in N.J.A.C. 8:40-6.3.

OEMS thoroughly reviewed and considered the BLS providers' concerns and agreed with their assessment of the EMT workforce issues that were plaguing the BLS industry. From its review, OEMS found that a shortage of ambulances due to insufficient EMT staff could have resulted in extended wait (wait) times for patients requiring non-emergency BLS transports, which would have created a backlog of patients within the hospital system, compromised timely access to medical care, strained the broader healthcare system and likely compromised the ability of BLS agencies to meet the service demands of the community. OEMS found that providers offering non-emergent BLS transportation play a crucial role in supporting the healthcare infrastructure and the consequences of increased wait times and ambulance unavailability due to the lack of EMTs could lead to a cascading effect, affecting patient outcomes and overall service efficiency. Accordingly, OEMS determined that a waiver of its regulatory staffing requirements for ambulances providing non-emergent BLS transportation was necessary and appropriate.

On December 23, 2023, OEMS issued a waiver of its regulatory staffing requirements for non-emergency BLS transportation, originally set to expire on December 31, 2024. While efforts continue with the administration and stakeholders to develop and implement a permanent solution, we recognize the need to extend the waiver's expiration date. This extension will provide the necessary time to craft and implement a solution that balances industry needs and office goals while upholding the health and safety of the public.

Pursuant to N.J.A.C. 8:40-1.4, OEMS may waive a rule provision if the waiver would not “[e]ndanger the life of any person; . . . [e]ndanger the public health, safety or welfare; or . . . [a]dversely affect the provision of mobility assistance or basic life support care.” Considering the exceptional circumstances brought about by the lingering EMT workforce shortage against the criteria set out in N.J.A.C. 8:40-1.4, OEMS finds that waiving the EMT staffing requirements for non-emergent BLS transports will not endanger public health or adversely affect the provision of basic life support care. Rather, this waiver will assist with preserving public health by ensuring the continued operation of non-emergent BLS transports and preventing disruptions in patient care during this period of workforce shortages. Accordingly, OEMS is issuing a waiver of N.J.A.C. 8:40-6.3 for all licensed BLS agencies who offer non-emergent ambulance transportation under the following terms and conditions:

1. Until the promulgation of new regulation, or unless otherwise revoked, a BLS agency that complies with the terms and conditions of this waiver may authorize its BLS services vehicles to be staffed by either a minimum:
 - a. of two EMTs; or
 - b. one New Jersey Certified EMT and one EMR.
2. All licensed BLS agencies wishing to utilize this waiver shall provide the Department with:
 - a. A letter acknowledging the terms and conditions outlined in this waiver;
 - b. Full staff roster, including credential level (i.e. EMR, EMT, Paramedic), employment status (full-time, part-time, and per diem), and their New Jersey EMS identification number.
 - i. All staff shall obtain and utilize a NJ EMS ID number on all charts.
 - 1) Staff may register for an ID (if they don't already have one) at www.njems.us
 - 2) Staff rosters shall be updated and submitted to the Department on a monthly basis
 - c. Full list of operational and non-operational vehicles to include:
 - i. Ambulances; and
 - ii. Mobility Assistance Vehicles.

- d. Type of transportation service provided by the BLS agency:
 - i. Non-emergent transportation;
 - ii. Emergent transportation;
 - iii. Specialty Care transportation; and/or
 - iv. Mobility Assistance.
3. Licensed BLS agencies seeking utilization of this waiver, shall adhere to staffing configurations outlined in N.J.A.C. 8:40-6.3 until approval is granted. Agencies shall maintain this staffing configuration until they receive official email correspondence from the Department confirming the waiver's approval.
4. Upon receipt of the information required by # 2 under terms and conditions of this waiver, the Department shall transmit email correspondence to the BLS agency indicating whether its submission is complete or whether additional information is required in order for the BLS agency to maintain its eligibility to utilize the staffing configuration authorized by # 1 of the terms and conditions of this waiver.
5. The EMT acting under this waiver shall:
 - a. Possess a valid NJ EMT certification;
 - b. Possess a valid CPR certification at the Healthcare Provider/Professional Rescuer Level;
 - c. Possess a valid drivers license;
 - d. Be at least 18 years of age;
 - e. Provide patient care not beyond the scope of practice of a NJ EMT; and
 - f. Provide primary patient care at all times.
6. The EMR acting under this waiver shall:
 - a. Possess a valid EMR certification from any EMR program as approved by the Department. Approved EMR certifications can be found on the Department's website at www.nj.gov/health/ems/education
 - b. Possess a valid CPR certification at the Healthcare Provider/Professional Rescuer Level, as approved by the Department. Approved CPR certifications can be found on the Department's website at www.nj.gov/health/ems/education
 - c. Possess a valid drivers license
 - d. Not act as the primary patient care clinician;

- e. Be at least 18 years of age; and
 - f. Provide patient care not beyond the scope of practice of an EMR.
7. The BLS agency shall develop and implement a policy and procedure to obtain, document, and maintain certification of competency and endorsement for each employee to operate under this waiver. Competencies shall include, but not be limited to:
- a. All skills within the employee's respective certification and scope of practice;
 - b. Safe vehicle operations;
 - c. Patient lifting and moving;
 - d. safe use of patient restraints;
 - e. Basic first aid; and
 - f. Documentation
8. The BLS agency shall implement a policy outlining the requirements established in this waiver.
- a. The policy shall be distributed to and acknowledged by all employees; and
 - b. A copy of the policy shall be maintained in every vehicle.
9. An EMT and/or EMR shall be **DISQUALIFIED** from acting under this waiver if he or she holds a provisional or temporary credential, or is subject to any state, territorial, or jurisdictional action, including but not limited to probation, corrective action, suspension, or similar restrictions.
10. To maintain eligibility to utilize the staffing configuration authorized by # 1 under terms and conditions of this waiver, the BLS agency shall submit via electronic patient care reporting (ePCR), the minimum data sets as outlined in the National Emergency Medical Services Information System (NEMSIS) and State data sets. *For more information about electronic patient care reporting, data collection, and software available free of charge go to https://www.nj.gov/health/ems/data_resources/index.shtml or contact the office at (609) 633-7777.*
- a. The BLS agency shall utilize the most current version of NEMSIS.
 - b. The BLS agency shall utilize the employee's NJ EMS ID number and legal name as the crewmember identification.
11. The BLS agency shall submit quarterly reports to OEMS in an electronic format, as provided by the Department, in the following cadence:

- a. Quarter one (1): January, February, March – Due no later than April 14th
- b. Quarter two (2): April, May, June – Due no later than July 14th
- c. Quarter three (3): July, August, September – Due no later than October 14th
- d. Quarter four (4): October, November, December – Due no later than January 14th
- e. The number of hospital patient discharges completed. (daily)
- f. The number of hospital patient discharges the agency was **UNABLE** to complete and why. (daily)
- g. The number of scheduled transports (i.e. Dialysis, Dr. appointment) completed. (daily)
- h. The number of scheduled transports (i.e. Dialysis, Dr. appointment) the agency was **UNABLE** to complete and why. (daily)
- i. Average time from: (Hospital) daily
 - i. Scheduled pick-up time to crew arrival;
 - ii. Crew arrival to crew departure;
 - iii. Crew departure to crew arrival at final destination; and
 - iv. Crew arrival at final destination to crew clearance.
- j. Average time from: (scheduled transport) daily
 - i. Scheduled pick-up time to crew arrival;
 - ii. Crew arrival to crew departure;
 - iii. Crew departure to crew arrival at final destination; and
 - iv. Crew arrival at final destination to crew clearance.
- k. Total number of ambulances in-service. (daily)
- l. Total number of ambulances out of service due to staffing levels or mechanical issues, that would otherwise be in service. (daily and monthly)
- m. Total number of responses/calls/transport completed with the crew complement of a New Jersey EMT and EMR (daily)
- n. Total number of responses/calls/transport completed with a crew complement of two EMTs (daily)

12. All incidents and/or unusual occurrences shall be reported to the Department within 24 hours. (i.e. known criminal background of an employee, accidents, an employee who engages in misconduct, operation beyond the scope of practice, sentinel event)
13. An agency is **DISQUALIFIED** from utilizing this waiver if the agency:
 - a. Is not licensed by the New Jersey Office of Emergency Medical Services, as the State licensing authority;
 - b. Is currently under investigation by the State licensing authority;
 - c. Has a proposed or final enforcement action pending or entered against them by any State licensing authority;
 - d. Was cited within the past year for operating an unlicensed vehicle or agency, or operating with improper crew requirements by the State licensing authority.
 - e. Provides a 911 response without a minimum of two EMTs as outlined in N.J.A.C. 8:40-6.33.
14. The agency shall ensure that triage is done at the time of receipt of a phone call for transport to/from a facility to assess for acute emergencies, such as respiratory distress, chest pain, or unconsciousness – situations typically warranting a 911 call. If deemed an acute emergency warranting additional resources, the agency will redirect the call or assist in calling 911. If, upon arrival for transport a situation becomes emergent, the crew shall act in the best interest of the patient and respond to the emergency within their respective scopes of practices. The crew must actively solicit additional resources, including Advanced Life Support, as deemed necessary for a comprehensive and effective emergency response.
15. All licensed BLS agencies that utilize this waiver shall commit to actively addressing the workforce shortage, including recruitment initiatives, training programs, and collaboration with educational institutions to ensure a robust pipeline of qualified personnel. These measures shall be documented and implemented concurrently with the waiver period to mitigate potential risks associated with reduced crewmember staffing.
16. This waiver shall not be used as a substitute for addressing an agency's staffing challenges without taking meaningful and proactive steps to rectify the issue.
17. This waiver shall not be exploited solely as a means to achieve higher reimbursement with lower operational costs due to reduced crew composition.
18. Agencies approved under this waiver are required to utilize two EMTs at all times when such staffing is available, and this waiver is not an excuse to forgo making every reasonable effort to maintain a two-EMT crew. When and where possible, all agencies shall adhere to the standard of employing two EMTs to ensure the highest level of care and safety.

19. This waiver is valid until the expiration date listed below unless sooner suspended, modified, or revoked by the Department.
20. The Department reserves the right to suspend, modify, or revoke a licensed BLS agency's ability to utilize this waiver for failure to adhere to the requirements outlined above and/or violation of N.J.A.C. 8:40-1.1 et seq. or any instance that the Department deems to be a threat to public health and safety.
21. All deadlines are absolute and non-negotiable. No additional extensions will be granted for any aspect of this waiver.
22. This extension of the Basic Life Support Waiver for all Licensed BLS Agencies providing non-emergent BLS transportation amends and supersedes the revised Waiver issued on February 13, 2024.

FOR: Jeffrey A. Brown
Acting Commissioner



BY: Candace Gardner, Paramedic
Director
Office of Emergency Medical Services

DATE ISSUED: December 22, 2023

DATE REVISED: February 13, 2024

EFFECTIVE DATE: January 1, 2024

DATE EXTENDED: January 1, 2025

DATE EXTENDED: January 1, 2026

WAIVER CONTROL NUMBER: 24 – N.J.A.C. 8:40-6.33 – 001

EXPIRES: Promulgation of New Regulations