



## PERMANENT ADMINISTRATIVE ORDER

**PH 12-2021**

CHAPTER 333  
OREGON HEALTH AUTHORITY  
PUBLIC HEALTH DIVISION

**FILED**

03/11/2021 10:24 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Compliance with Governor's Executive Orders, Ambulance Construction Criteria and Ambulance Vehicles on Reserve/Loan

EFFECTIVE DATE: 03/11/2021

AGENCY APPROVED DATE: 03/11/2021

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### RULES:

333-250-0380, 333-255-0060, 333-255-0065, 333-265-0083

AMEND: 333-250-0380

NOTICE FILED DATE: 10/28/2020

RULE SUMMARY: Amend OAR 333-250-0380 – Clarifies that it is a violation for a licensed ambulance service to fail to comply with a Governor's Executive Order and any corresponding guidance issued by the Oregon Health Authority that were created as a result of a Governor declared emergency.

### CHANGES TO RULE:

333-250-0380

#### Violations ¶¶

In addition to non-compliance with any rules or laws that governs an ambulance service or ambulance service vehicle, it is a violation to:¶¶

- (1) Refuse to cooperate with an investigation or survey, including but not limited to failure to permit Authority staff access to the ambulance service, its documents or records;¶¶
- (2) Fail to implement a corrective action plan;¶¶
- (3) Refuse or fail to comply with an order issued by the Authority;¶¶
- (4) Refuse or fail to pay a civil penalty;¶¶
- (5) Be convicted of a crime, including Medicare or Medicaid fraud, relating adversely to the person's capability of owning or operating an ambulance service;¶¶
- (6) Make a material omission or misrepresentation of facts on an application for a license or variance, or in response to an inquiry or investigation. This includes fraud or deception in obtaining or attempting to obtain a license or variance or in any other transaction with the Authority;¶¶
- (7) Loan, borrow, or use the license of another, or knowingly aid or abet the improper granting of a license;¶¶
- (8) Deface, alter, remove or obliterate any portion of any official entry upon a license, licensing decal, or variance

issued by the Authority;¶

(9) Refuse to respond to or render prehospital emergency care because of a patient's race, ethnicity, religion, age, gender, sexual orientation, disability, medical problem or financial inability to pay;¶

(10) Fail to promptly notify the Authority of a change of ownership;¶

(11) Fail to report to the Authority any matter required by ORS 682.220(4) and OAR 333-265-0080;¶

(12) Fail to protect health information from unlawful use or disclosure in accordance with state and federal privacy laws;¶

(13) Alter or inappropriately destroy medical records;¶

(14) Willfully prepare or file false reports or records, or induce another to do so;¶

(15) Engage in a pattern of any of the following:¶

(a) Incompetence, negligence or misconduct in operating the ambulance service or in providing emergency medical care and transportation to patients;¶

(b) Abuse or abandonment of patients;¶

(c) Failure to comply with the county ASA plan, area trauma plan, or other lawfully promulgated policies, plans, or procedures;¶

(d) Failure to meet response time standards as prescribed by the county ASA plan or if no ASA plan is in effect, the area trauma plan;¶

(e) Misuse or misappropriation of medications or medical materials; and¶

(f) Other conduct determined by the Authority to pose a significant threat to the health, safety and well-being of ambulance patients.¶

(16) Fail to return a license as provided in OAR 333-250-0235; ~~or~~¶

(17) Operate without a license.; or¶

(18) During a Governor-declared emergency, failure to comply with an applicable provision of a Governor's Executive Order or failing to comply with guidance issued by the Authority implementing an Executive Order.¶

Note: Copies of the Executive Orders are available at:¶

<https://www.oregon.gov/gov/admin/Pages/executive-orders.aspx>¶

Copies of Oregon Health Authority Guidance are available at:¶

<https://govstatus.egov.com/OR-OHA-COVID-19>

Statutory/Other Authority: ORS 682.017, 682.068

Statutes/Other Implemented: ORS 682.017 - 682.117, 682.991

AMEND: 333-255-0060

NOTICE FILED DATE: 10/28/2020

RULE SUMMARY: Amend OAR 333-255-0060 – Requires that a new ambulance vehicle meet new construction standards effective with any signed, written contract dated on or after July 1, 2022 with an ambulance vehicle manufacture. Such orders must comply with the Commission on Accreditation of Ambulance Services (CAAS), Ground Vehicle Standard (GVS) for Ambulances, v.2.0 Edition, dated July 1, 2019 or the National Fire Protection Association (NFPA), Standard for Automotive Ambulances, NFPA 1917, 2019 Edition. Specifies that a new or remounted vehicle that is not fully compliant with the specified standards may not be licensed if the construction includes exceptions to the standards that affect patient or EMS provider safety as determined by the Authority. Replaces the term "previously owned ambulance" with "previously operated ambulance" and adds definition. Requires an ambulance vehicle that is remounted to comply with CAAS, GVS, v.2.0 Edition, Section F or with NFPA 1917, 2019 Edition, Chapter 10 that is specific to remounts. Language has been added that clarifies current licensing practice that any ambulance that is remounted is subject to initial licensure. Relating to terms used on an ambulance vehicle, the rule has been amended to remove the reference to 'or other phrases as the Authority in its sole discretion may permit.' Language regarding requirements for reserve ambulance has been moved to new rule OAR 333-255-0065 and duplicative language removed.

CHANGES TO RULE:

333-255-0060

Ground Ambulance Construction Criteria ¶¶

(1) As used in this rule, "previously operated ambulance" means a used or previously licensed ambulance that has been placed back into service; or gifted to, purchased by, or reassigned to a licensed ambulance service, and is subject to initial licensure in accordance with OAR 333-255-0010. ¶¶

(2) An ambulance vehicle constructed on or before June 14, 2019 shall comply with one of the following standards:¶¶

(a) The U.S. General Services Administration (GSA), November 1, 1994, Federal Specification for the Star-of-Life Ambulance Certification standards (KKK-A-1822D);¶¶

(b) The U.S. General Services Administration (GSA), June 1, 2002, Federal Specification for the Star-of-Life Ambulance Certification standards (KKK-A-1822E);¶¶

(c) The U.S. General Services Administration (GSA), August 1, 2007, Federal Specification for the Star-of-Life Ambulance Certification standards (KKK-A-1822F);¶¶

(d) The Commission on Accreditation of Ambulance Services (CAAS), Ground Vehicle Standard (GVS) for Ambulances, v.1.0 Edition, July 1, 2016; or v.2.0 Edition, July 1, 2019; or¶¶

(e) The National Fire Protection Association (NFPA), Standard for Automotive Ambulances, NFPA 1917, 2016 Edition or 2019 Edition.¶¶

(23) Effective June 15, 2019 An ambulance service agency that has a signed, dated contract with an ambulance manufacturer for the construction criteria for of a new ground ambulance shall comply with either the Commission on Accreditation of Ambulance Services (, on or after July 1, 2022, shall ensure that the new vehicle is constructed to comply with either the CAAS), Ground Vehicle Standard for Ambulances VS, v.1.2.0 Edition, July 1, 2016 or the National Fire Protection Association (NFPA) EPA, Standard for Automotive Ambulances, NFPA 1917, 2016 Edition, incorporated by reference. A newly constructed ambulance must have at a minimum either:¶¶

(a) A CAAS Ground Vehicle Standard VS certification sticker and verification document(s); or¶¶

(b) An NFPA certification sticker and verification document(s). ¶¶

(34) Effective June 15, 2019: ¶¶

(a) The construction criteria for a previously ~~owned~~ operated ambulance that requires initial licensure pursuant to ~~OAR 333-255-0010~~ must meet the construction criteria specified in subsection (12)(c), (d) or (e) of this rule as of the date of vehicle construction. ¶¶

~~(b) A previously owned~~ operated ambulance that meets the construction standards specified in subsection (12)(a) or (b) of this rule, ~~that is subject to initial licensure pursuant to OAR 333-255-0010,~~ must be inspected by an Emergency Vehicle Technician (EVT) certified by the EVT Certification Commission as an ambulance technician who provides documentation that the ambulance ~~meets minimum safety requirements as determined by the Authority,~~ is in good operating condition and meets minimum safety requirements. ¶

(5) A licensed ambulance service that remounts a licensed ambulance vehicle or previously operated ambulance shall apply for a new, initial ambulance vehicle license. ¶

~~(46) ¶ Effective July 1, 2022,~~ the construction criteria for remounting a Type I or Type III ambulance is: ¶

~~(a) The patient compartment must have been built after November 1, 1994; and ¶~~

~~(b) The remounting must be done by a: ¶~~

~~(A) Recognized ambulance manufacturer; shall comply with either the CAAS, GVS, v.2.0 Edition, Section F, dated July 1, 2019, or the NFPA 1917, 2019 Edition, Chapter 10 incorporated by reference. ¶~~

~~(Ba) Recognized vehicle modifier; ¶~~

~~(C) Remount center~~ The remounted vehicle shall show evidence of the CAAS GVS remount standard compliance sticker; or the NFPA 1917 certification and payload label. ¶

~~(Db) ¶~~ The licensed ambulance service with an established in-house remount program and is inspected by a certified EVT in accordance with subsection (3)(b) of this rule shall maintain appropriate documentation confirming compliance with the remount standard. ¶

~~(e7) The agency doing the remounting must utilize current nationally recognized vehicle modification techniques and industry~~ A new ambulance vehicle that is not fully compliant with the standard parts and components. ¶

~~(5) An agency completing a remount shall provide a notarized statement that the structural integrity of the specific patient compartment was not compromised during the remounting and must provide a Final Stage Vehicle Manufacturing Certificate of compliance. ¶~~

~~(6) A licensed ambulance service may establish an in-house remount program by obtaining the necessary training, appropriate equipment and facilities to remount a vehicle to the described standards in section (3) or a licensed ambulance vehicle or previously operated ambulance that has been remounted and is not fully compliant with the standards in section (6) may not be licensed if the construction included exceptions to the standards that affect patient or EMS provider safety as determined by the Authority. ¶~~

~~(78) The owner of an ambulance must select an exterior color, emblems, and markings for the ambulance that will ensure the prompt recognition of that vehicle as an ambulance. All ambulance vehicles shall be clearly identified by appropriate emblems and markings on the front, side, roof, and rear of the vehicle. ¶~~

~~(89) Each licensed ambulance vehicle shall display the following emblems and terms in the location(s) specified: ¶~~

~~(a) "Star-of-Life" emblem: Shall comply with the specifications adopted by the US Department of Transportation, National Highway Traffic Safety Administration (NHTSA). ¶~~

~~(A) Sides - a 12 to 16-inch emblem must be located on the left and right side-panels; and ¶~~

~~(B) Roof - a 32-inch emblem must be located on the roof. ¶~~

~~(b) The word "AMBULANCE": ¶~~

~~(A) Front - centered, in block letters, not less than four inches high, must be in mirror image and centered above the grille; and ¶~~

~~(B) Rear - in block letters of not less than six inches in height and centered on the rear door panels or an approved alternative. ¶~~

~~(C) Acceptable alternatives for the word "AMBULANCE" include generic terms that do not connote any particular level of service, limited to "MEDIC UNIT," "FIRE MEDIC UNIT," "EMERGENCY MEDICAL SERVICES," or "EMS UNIT" or other phrases as the Authority, in its sole discretion, may permit. ¶~~

~~(c) Service name or logo that matches the service name on the application must be visible on the vehicle exterior in a location that does not interfere with the term "AMBULANCE" or the "Star-of-Life" emblem; ¶~~

~~(910) A licensed ambulance vehicle may not display on its exterior any level of service which is not provided at all times when that ambulance is in operation. ¶~~

~~(10) A licensed ambulance vehicle in operation and a licensed reserve ambulance shall: ¶~~

- (a) Be reasonably equipped and maintained. Maintenance records must be kept and made available for inspection by the Authority. ¶
- (b) Be equipped with audio or visual devices, in satisfactory working condition, that are in compliance with the CAAS or NFPA vehicle standards and the Final Stage Ambulance Manufacturer Certificate of compliance. ¶
- (c) Comply with Federal Motor Vehicle Safety Standards (FMVSS) and Department of Transportation (DOT) vehicle equipment standards for the ambulance vehicle at the time of manufacture. ¶
- (d) Have heat shields, in the case of dual batteries, where the batteries are located in the engine compartment. If the batteries are located elsewhere, they must be sealed off from the occupants' compartment in a ventilated area.

Statutory/Other Authority: ORS 682.017, 682.068

Statutes/Other Implemented: ORS 682.017 - 682.117, 682.991

ADOPT: 333-255-0065

NOTICE FILED DATE: 10/28/2020

RULE SUMMARY: Adopt OAR 333-255-0065 – Clarifies requirements for reserve vehicles and eliminates duplicative language that is already established in other rules. Language has been added to clarify whether a licensed ambulance vehicle can be loaned to another licensed ambulance service and the responsibilities of the licensed agencies entering into an agreement for the loaned ambulance vehicle.

CHANGES TO RULE:

333-255-0065

Ambulance Reserve Vehicles and Ambulance Vehicles for Loan

(1) A licensed ambulance vehicle may be placed in reserve by a licensed ambulance service. A licensed ambulance vehicle placed in reserve shall meet the requirements of Oregon Administrative Rules, chapter 333, division 255 except OAR 333-255-0072. ¶

(2) Prior to placing a reserve ambulance into service, the reserve ambulance must be inspected by appropriate agency personnel, authorized by the owner or manager of the ambulance service, to ensure compliance with these rules and verify that the equipment requirements specified in OAR 333-255-0072 are met. ¶

(3) A licensed ambulance service may temporarily use a licensed ambulance vehicle of another licensed ambulance service through a loan. Ambulance vehicle loans may occur if mechanical problems, or other hardships, prevent a licensed ambulance service from deploying its existing licensed ambulance vehicle. ¶

(4) The receiving and loaning ambulance service agencies shall enter into a written agreement on the terms of the loan. The written agreement shall include, but is not limited to, the following information: ¶

(a) Name of contact person for each licensed ambulance service along with address, phone number, electronic mail address, and ambulance service license number; ¶

(b) Ambulance vehicle identification including make, model, year, VIN and plate number; ¶

(c) What level of ambulance transport service will be provided by the receiving ambulance service; ¶

(d) Responsibility of each licensed ambulance service for providing, replacing or repairing equipment, if applicable; and ¶

(e) Requirements for and proof of insurance coverage. ¶

(5) The licensed ambulance service receiving the loaned vehicle shall: ¶

(a) Notify the Authority within three business days of receipt of the loaned vehicle; and ¶

(b) Be responsible for ensuring the ambulance vehicle complies with OAR chapter 333, division 255.

Statutory/Other Authority: ORS 682.017, 682.068

Statutes/Other Implemented: ORS 682.017 - 682.117, 682.991

AMEND: 333-265-0083

NOTICE FILED DATE: 10/28/2020

RULE SUMMARY: Amend OAR 333-265-0083 – Clarifies that conduct or practice contrary to the recognized standards of ethics for an EMS provider includes failure to comply with a Governor's Executive Order and any corresponding guidance issued by the Oregon Health Authority that were created as a result of a Governor declared emergency.

CHANGES TO RULE:

333-265-0083

Conduct or Practice Contrary to Recognized Standards of Ethics ¶¶

The following list includes, but is not limited to, conduct or practice by an EMS provider that the Authority considers to be contrary to the recognized standards of ethics of the medical profession:¶¶

- (1) Knowing or willful violation of patient privacy or confidentiality by releasing information to persons not directly involved in the care or treatment of the patient;¶¶
- (2) Illegal drug use on or off duty;¶¶
- (3) Alcohol use within eight hours of going on duty or while on duty or in an on-call status;¶¶
- (4) Violation of direct verbal orders from a physician who is responsible for the care of a patient;¶¶
- (5) Violation of orders given by an online medical resource physician, whether delivered by radio or telephone;¶¶
- (6) Violation of standing orders without cause and documentation;¶¶
- (7) Use of invasive medical procedures in violation of generally accepted standards of the medical community;¶¶
- (8) Any action that constitutes a violation of any statute, municipal code, or administrative rule that endangers the public, other public safety officials, other EMS providers, patients, or the general public (including improper operation of an emergency medical vehicle);¶¶
- (9) Instructing, causing or contributing to another individual violating a statute or administrative rule, including an EMS provider acting in a supervisory capacity;¶¶
- (10) Participation in the issuance of false continuing education documents or collaboration therein, including issuing continuing education verification to one who did not legitimately attend an educational event;¶¶
- (11) Signing-in to an educational event for a person not actually present;¶¶
- (12) Knowingly assisting or permitting another EMS provider to exceed his or her lawful scope of practice;¶¶
- (13) Unlawful use of emergency vehicle lights and sirens;¶¶
- (14) Providing false or misleading information to the Authority, to the State EMS Committee, to the Subcommittee on EMT Licensure and Discipline, to an EMS educational institution or clinical/field internship agency;¶¶
- (15) Responding to scenes in which the EMS provider is not properly dispatched ("call-jumping"), whether in a private auto, ambulance, or other vehicle, in violation of local protocols, procedures, or ordinances, or interfering with the safe and effective operation of an EMS system;¶¶
- (16) Cheating on any examination used to measure EMS related knowledge or skills;¶¶
- (17) Assisting another person in obtaining an unfair advantage on an EMS provider examination;¶¶
- (18) Defrauding the Authority;¶¶
- (19) Knowingly providing emergency medical care aboard an unlicensed ambulance;¶¶
- (20) Violation of the terms of a written agreement with the Authority or an order issued by the Authority;¶¶
- (21) Sexual misconduct that includes but is not limited to:¶¶
  - (a) Sexual harassment;¶¶
  - (b) Engaging or attempting to engage in a sexual relationship, whether or not the sexual relationship is consensual, with a patient, client, or key party; or¶¶
  - (c) Using an EMT-patient, EMT-client, or EMT-key party relationship to exploit the patient, client or key party by gaining sexual favors from the patient, client or key party.¶¶

(22) Arriving for duty impaired or in a condition whereby the EMS provider is likely to become impaired through fatigue, illness, or any other cause, as to make it unsafe for the employee to begin to operate an ambulance or provide patient care;¶

(23) Failure to cooperate with the Authority in an investigation, including failure to comply with a request for records, or a psychological, physical, psychiatric, alcohol or chemical dependency assessment; ¶

(24) During a Governor-declared emergency, failure to comply with an applicable provision of a Governor's Executive Order or failing to comply with guidance issued by the Authority implementing an Executive Order;  
and¶

(245) Any violation of these rules or any law, administrative rule, or regulation governing ambulances, EMS providers, or emergency medical service systems.¶

Note: Copies of the Executive Orders are available at: <https://www.oregon.gov/gov/admin/Pages/executive-orders.aspx>¶

Copies of Oregon Health Authority Guidance are available at:¶

<https://govstatus.egov.com/OR-OHA-COVID-19>

Statutory/Other Authority: ORS 682.017

Statutes/Other Implemented: ORS 682.017, 682.220, 682.224