

ARTICLE 33-36
EMERGENCY MEDICAL SERVICES PERSONNEL

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CHAPTER 33-36-01
**EMERGENCY MEDICAL SERVICES PERSONNEL TRAINING, TESTING, CERTIFICATION,
AND LICENSURE**

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33-36-01-01. Definitions.

Words defined in North Dakota Century Code chapter 23-27 have the same meaning in this chapter.

1. "Advanced emergency medical technician" means an individual certified by the national registry as an advanced emergency medical technician. An advanced emergency medical technician is eligible for licensure as an advanced emergency medical technician upon completion of a license application and approval by the department.
2. "Cardiopulmonary resuscitation", initial and refresher, means the American heart association health care provider standards or its equivalent which includes the following skills: adult one-person and two-person cardiopulmonary resuscitation, adult obstructed airway, child one-person and two-person cardiopulmonary resuscitation, child obstructed airway, infant one-person and two-person cardiopulmonary resuscitation, infant obstructed airway, and automated external defibrillator.
3. "Clinical and field internship preceptor" means a qualified individual designated by an emergency medical services instructor or emergency medical services training institute to supervise a student during clinical or field internship training.
4. "Department" means the department of health and human services.
5. "Emergency medical services instructor" means an individual who is licensed to conduct emergency medical services courses, including continuing education courses.

6. "Emergency medical technician" means an individual certified by the national registry as an emergency medical technician. An emergency medical technician is eligible for licensure as an emergency medical technician upon completion of a license application and approval by the department.
7. "Equivalent" means training of equal or greater value which accomplishes the same results.
8. "National registry" means the national registry of emergency medical technicians located in Columbus, Ohio.
9. "On call" means that an individual is expected to be available for emergency response when alerted by a method determined by the public safety answering point or dispatch center and report after notification.

History: Effective April 1, 1992; amended effective August 1, 2003; January 1, 2006; January 1, 2008; July 1, 2010; April 1, 2024.

General Authority: NDCC 23-27-04.3

Law Implemented: NDCC 23-27-04.3

33-36-01-02. Emergency medical services training courses.

The department acknowledges the following emergency medical services courses and personnel:

1. Courses leading to national registry certification:
 - a. Emergency medical responder;
 - b. Emergency medical technician;
 - c. Advanced emergency medical technician; and
 - d. Paramedic.
2. Courses requiring current department licensure that provide supplementary qualifications by the department:
 - a. Emergency medical services instructor;
 - b. Community emergency medical technician;
 - c. Community advanced emergency medical technician; and
 - d. Community paramedic.

History: Effective April 1, 1992; amended effective October 1, 1992; August 1, 1994; August 1, 2003; August 1, 2004; January 1, 2006; January 1, 2008; July 1, 2010; April 1, 2024.

General Authority: NDCC 23-27-04.3

Law Implemented: NDCC 23-27-04.3

33-36-01-03. Training, testing, certification, and licensure standards for emergency medical services personnel.

The department shall authorize all courses leading to approval, certification, or licensure by the department prior to the course being conducted in North Dakota contingent upon the course being offered by a licensed emergency medical services training institute and on the following requirements:

1. Emergency medical responder:

- a. Course. A course conducted in North Dakota must adhere to the national emergency medical services education standards for emergency medical responders as published by the United States department of transportation, national highway traffic safety administration. Prior to student eligibility for certification by the national registry, competency in the required knowledge and skills must be verified by a North Dakota emergency medical services instructor or North Dakota licensed emergency medical services training institute.
 - b. Course instructors. Course instructors must be approved by the licensed emergency medical services training institute and be knowledgeable in course content, effective in teaching their assigned subjects, and capable through academic preparation, training, and experience to teach courses or topics to which they are assigned.
 - c. An emergency medical responder student may practice all the skills defined in the scope of practice for emergency medical responder while in the classroom and during a clinical or field internship while under direct supervision of an instructor or clinical and field internship preceptor and if registered with the department as an emergency medical responder student.
 - d. Initial certification. Individuals sixteen years of age and older who are certified as an emergency medical responder by the national registry are eligible for certification by the department. Upon completion and department approval of an application, eligible applicants may be certified by the department for a two-year period until June thirtieth of the second year.
 - e. Recertification. An individual that maintains certification from the national registry is eligible for recertification. Upon completion and approval of an application, eligible applicants may be recertified by the department for a two-year period until June thirtieth of the second year.
 - f. Individuals certified as emergency medical responders as of January 1, 2024, and those attending emergency medical responder courses approved before January 1, 2024, and certified by June 30, 2024, will not be required to obtain national registry certification.
 - (1) Prior to student eligibility for initial certification by the department under the conditions identified in this subdivision, competency in the required knowledge and skills must be verified by a North Dakota emergency medical services instructor or North Dakota licensed emergency medical services training institute.
 - (2) Prior to eligibility for recertification by the department under the conditions identified in this subdivision, individuals must complete recertification requirements equivalent to those required by the national registry.
2. Emergency medical technician:
- a. Course. A course conducted in North Dakota must adhere to the national emergency medical services education standards for emergency medical technicians as published by the United States department of transportation, national highway traffic safety administration. Prior to student eligibility for certification by the national registry, competency in the required knowledge and skills must be verified by a North Dakota emergency medical services instructor or North Dakota licensed emergency medical services training institute.
 - b. Course instructors. Course instructors must be approved by the licensed emergency medical services training institute and be knowledgeable in course content, effective in

teaching their assigned subjects, and capable through academic preparation, training, and experience to teach courses or topics to which they are assigned.

- c. An emergency medical technician student may practice all the skills defined in the scope of practice for emergency medical technician while in the classroom and during a clinical or field internship while under direct supervision of an instructor or the clinical and field internship preceptor and if registered with the department as an emergency medical technician student.
 - d. Emergency medical technician initial licensure. Individuals sixteen years of age and older who are certified as emergency medical technicians by the national registry are eligible for licensure. Upon completion and department approval of a license application, eligible applicants may be licensed by the department. The applicant must be affiliated with a North Dakota licensed emergency medical services operation or obtain medical direction from a North Dakota licensed physician. Licensure will expire ninety days after the national registry emergency medical technician expiration date.
 - e. Relicensure of emergency medical technicians. An individual that maintains certification from the national registry as an emergency medical technician is eligible for relicensure. Upon completion and approval of a license application, eligible applicants may be relicensed by the department. The applicant must be affiliated with a North Dakota licensed emergency medical services operation or obtain medical direction from a North Dakota licensed physician. Licensure will expire ninety days after the national registry expiration date.
3. Advanced emergency medical technician:
- a. Student prerequisite. Students must be certified as an emergency medical technician by the national registry or licensed as an emergency medical technician or its equivalent.
 - b. Course. The course must adhere to the national emergency medical services education standards for advanced emergency medical technicians as published by the United States department of transportation, national highway traffic safety administration. Prior to student eligibility for certification by the national registry, competency in the required knowledge and skills must be verified by a North Dakota emergency medical services instructor or North Dakota licensed emergency medical services training institute.
 - c. An advanced emergency medical technician student may practice all the skills defined in the scope of practice for advanced emergency medical technician while in the classroom and during a clinical or field internship while under direct supervision of an instructor or clinical and field internship preceptor and if registered with the department as an advanced emergency medical technician student.
 - d. Advanced emergency medical technician initial licensure. An individual eighteen years of age or older who is certified as an advanced emergency medical technician by the national registry is eligible for licensure. Upon completion and department approval of a license application, eligible applicants may be licensed by the department. The applicant must be affiliated with a North Dakota licensed emergency medical services operation or obtain medical direction from a North Dakota licensed physician. Licensure will expire ninety days after the national registry advanced emergency medical technician expiration date.
 - e. Relicensure of advanced emergency medical technician. An individual that maintains certification from the national registry as an advanced emergency medical technician is eligible for relicensure. Upon completion and approval of a license application, eligible applicants may be relicensed by the department. The applicant must be affiliated with a

North Dakota licensed emergency medical services operation or obtain medical direction from a North Dakota licensed physician. Licensure will expire ninety days after the national registry advanced emergency medical technician expiration date.

4. Paramedic:

- a. Student prerequisite. Students must be certified at minimum as an emergency medical technician or licensed at minimum as an emergency medical technician or its equivalent.
- b. Course. The course must adhere to the national emergency medical services education standards for paramedics as published by the United States department of transportation, national highway traffic safety administration and be conducted by a commission on accreditation of allied education programs accredited paramedic education program.
- c. A paramedic student may practice all the skills defined in the scope of practice for paramedic while in the classroom and during a clinical or field internship while under direct supervision of an instructor or clinical and field internship preceptor and if registered with the department as a paramedic student.
- d. Paramedic initial licensure. An individual eighteen years of age or older who is certified as a paramedic by the national registry is eligible for licensure. Upon completion and department approval of a licensed application, eligible applicants may be licensed by the department. The applicant must be affiliated with a North Dakota licensed emergency medical services operation or obtain medical direction from a North Dakota licensed physician. Licensure will expire ninety days after the national registry paramedic expiration date.
- e. Relicensure of paramedic. An individual that maintains certification from the national registry as a paramedic is eligible for relicensure. Upon completion and approval of a license application, eligible applicants may be relicensed by the department. The applicant must be affiliated with a North Dakota licensed emergency medical services operation or obtain medical direction from a North Dakota licensed physician. Licensure will expire ninety days after the national registry paramedic expiration date.

5. Emergency medical services instructor:

- a. Student prerequisite. A candidate for certification as an emergency medical services instructor must be at least eighteen years of age and licensed for at least two years as an emergency medical technician, advanced emergency medical technician, or paramedic.
- b. Course. The course must be approved by the department.
- c. Initial certification. The department shall issue initial certification to individuals who have successfully completed an approved course and meet the prerequisites. Individuals possessing a bachelor's degree in education, a teacher's certification in education, a master's degree or doctorate and meeting the student prerequisites are eligible for initial certification upon application to the department. Emergency medical services instructor certification is concurrent with emergency medical services licensure.
- d. Recertification. The department may recertify as emergency medical services instructors those individuals who maintain emergency medical services licensure and:
 - (1) Are employed or affiliated with a licensed emergency medical services training institution and submit documentation of eight hours of adult instructional education approved by the licensed emergency medical services training institute; and

- (2) Instruct or coordinate a minimum of one authorized emergency medical responder, emergency medical technician, advanced emergency medical technician, or paramedic education program every two years.
6. Community emergency medical technician:
 - a. The department shall certify as a community emergency medical technician an individual who meets the following qualifications:
 - (1) Has a current license as an emergency medical technician issued by the department.
 - (2) Has two years of service as an emergency medical technician.
 - (3) Has successfully completed a community emergency medical technician education program from a college or university that has been approved by the department or accredited by a department approved accreditation organization. The education program must include clinical experience that is provided under the supervision of a physician, advanced practice registered nurse, physician assistant, or public health nurse operating under the direct authority of a local unit of government.
 - b. A community emergency medical technician shall practice in accordance with protocols and standards established by a medical director and provide services as directed by a patient care plan developed by a patient's primary or specialty care physician, advanced practice registered nurse, or physician assistant. In the absence of a primary or specialty care provider, the patient care plan may be directed by the medical director.
 - c. A community emergency medical technician must be employed by a licensed ground ambulance or licensed hospital.
 - d. In addition to the relicensure requirements in subdivision e of subsection 2, a community emergency medical technician shall complete an additional twelve hours of continuing education in clinical topics approved by the medical director.
 - e. No individual shall hold themselves out as a community emergency medical technician or provide the services of a community emergency medical technician unless such individual is certified by the department.
7. Community advanced emergency medical technician:
 - a. The department shall certify as a community advanced emergency medical technician an individual who meets the following qualifications:
 - (1) Has a current license as an advanced emergency medical technician issued by the department.
 - (2) Has two years of service as an advanced emergency medical technician.
 - (3) Has successfully completed a community advanced emergency medical technician education program from a college or university that has been approved by the department or accredited by a department approved accreditation organization. The education program must include clinical experience that is provided under the supervision of a physician, advanced practice registered nurse, physician assistant, or public health nurse operating under the direct authority of a local unit of government.

- b. A community advanced emergency medical technician shall practice in accordance with protocols and standards established by a medical director and provide services as directed by a patient care plan developed by a patient's primary or specialty care physician, advanced practice registered nurse, or physician assistant. In the absence of a primary or specialty care provider, the patient care plan may be directed by the medical director.
 - c. A community advanced emergency medical technician must be employed by a licensed ground ambulance or licensed hospital.
 - d. In addition to the relicensure requirements in subdivision e of subsection 3, a community advanced emergency medical technician shall complete an additional twelve hours of continuing education in clinical topics approved by the medical director.
 - e. No individual shall hold themselves out as a community advanced emergency medical technician or provide the services of a community advanced emergency medical technician unless such individual is certified by the department.
8. Community paramedic:
- a. The department shall certify as a community paramedic an individual who meets the following qualifications:
 - (1) Has a current license as a paramedic issued by the department.
 - (2) Has two years of service as a paramedic.
 - (3) Has successfully completed a community paramedic education program from a college or university that has been approved by the department or accredited by a department approved accreditation organization. The education program must include clinical experience that is provided under the supervision of a physician, advanced practice registered nurse, physician assistant, or public health nurse operating under the direct authority of a local unit of government.
 - b. A community paramedic shall practice in accordance with protocols and standards established by a medical director and provide services as directed by a patient care plan developed by a patient's primary or specialty care physician, advanced practice registered nurse, or physician assistant. In the absence of a primary or specialty care provider, the patient care plan may be directed by the medical director.
 - c. A community paramedic must be employed by a licensed ground ambulance or licensed hospital.
 - d. In addition to the relicensure requirements in subdivision e of subsection 4, a community paramedic shall complete an additional eighteen hours of continuing education in clinical topics approved by the medical director.
 - e. No individual shall hold themselves out as a community paramedic or provide the services of a community paramedic unless such individual is certified by the department.
9. Emergency medical dispatch. An individual authorized to provide prearrival emergency medical instructions for a public safety answering point shall satisfactorily complete an emergency medical dispatch course of instruction approved by the department. A certificate indicating satisfactory completion of the emergency medical dispatch course of instruction must be submitted to the department by the public safety answering point prior to the individual providing prearrival emergency medical instructions for a public safety answering point.

History: Effective April 1, 1992; amended effective August 1, 1994; August 1, 2003; January 1, 2006; January 1, 2008; July 1, 2010; April 1, 2024.

General Authority: NDCC 23-27-04.3

Law Implemented: NDCC 23-27-04.3

33-36-01-03.1. Limited temporary certification or licensure of emergency medical services training course graduates.

Repealed effective April 1, 2024.

33-36-01-03.2. Continuing education.

An entity or individual that offers continuing education shall follow the continuing education policy as published in the department's emergency medical services instructor handbook.

History: Effective July 1, 2010; amended effective April 1, 2024.

General Authority: NDCC 23-27-04.3

Law Implemented: NDCC 23-27-04.3

33-36-01-04. Training, testing, and certification standards for certification scope enhancement courses.

Repealed effective April 1, 2024.

33-36-01-04.1. Training, testing, and certification standards for certification refresher courses.

Repealed effective April 1, 2024.

33-36-01-05. Denial, suspension, or revocation of certification or licensure.

The department may deny, suspend, or revoke the certification or licensure of an individual who:

1. Has misrepresented to others that the individual is a physician, nurse, or health care provider other than the highest level for which they are certified or licensed.
2. Is incapable of properly performing the skills for which the individual has been certified or licensed.
3. Performs a skill which exceeds those allowed by the individual's level of certification or licensure.
4. Is under indictment for or has been convicted of a misdemeanor or felony which has a direct bearing upon the individual's ability to serve the public in a capacity certified or licensed by this chapter, or has been convicted of a crime that requires the individual to register as a sex offender in any state. Individuals certified or licensed who are under indictment for or have been convicted of a misdemeanor or felony or required to register as a sex offender in any state must report the information to the department within two business days.
5. Has been found by a court of law to be mentally incompetent.
6. Failure to follow examination policies as a student, instructor, or course coordinator.
7. Diversion of drugs for personal or unauthorized use.
8. Performance of care in a manner inconsistent with acceptable standards or protocols.

9. Has attempted to obtain by fraud or deceit a certification or license or has submitted to the department any information that is fraudulent, deceitful, or false.
10. Has had the individual's national registry or other health care certification or license encumbered for any reason. Individuals certified or licensed as described in this chapter must report any encumbrance of their national registry or other health care certification or licensure to the department within two business days.
11. Has misrepresented to others that the individual is an employee, volunteer, or agent of an ambulance service, quick response unit, or rescue squad to offer emergency medical services.
12. Unprofessional conduct, which may give a negative impression of the emergency medical services system to the public.
13. As an instructor has failed to have emergency medical services training authorized as required or has not met required education standards.
14. Providing emergency medical or community emergency medical technician, community advanced emergency medical technician, or community paramedic services without authorization from a physician.
15. Has been found to be under the influence of alcohol or mind-altering drugs while on call, on duty, or during an emergency medical or community emergency medical technician, community advanced emergency medical technician, or community paramedic response or interfacility transfer.
16. Failing to respond to an emergency while on call or on duty. The failure to respond must be caused by the individual's willful disregard and not caused by a good-faith error or circumstances beyond the individual's control as determined by the department.

History: Effective April 1, 1992; amended effective August 1, 2003; January 1, 2006; January 1, 2008; July 1, 2010; April 1, 2024.

General Authority: NDCC 23-27-04.3

Law Implemented: NDCC 23-27-04.3

33-36-01-05.1. Criminal history background checks.

The department may perform criminal history background checks on any applicant requesting a certification or license or an individual requesting to be listed on an ambulance service or quick response unit's roster as a driver. A driver may be denied participation in any emergency medical services operation based on the driver's criminal background history or any occurrence listed in section 33-36-01-05.

History: Effective January 1, 2008; amended effective April 1, 2024.

General Authority: NDCC 12-60-24, 23-27-04.3

Law Implemented: NDCC 12-60-24, 23-27-04.3

33-36-01-06. Revocation process.

The department may revoke an individual's certification or license after making a diligent effort to:

1. Inform the individual by the department of the allegations.
2. Inform the individual of the department's investigation results.
3. Inform the individual of the department's intent to revoke and provide a notice of right to request hearing.

4. Provide the individual opportunity to request a hearing and rebut the allegations.

History: Effective April 1, 1992; amended effective August 1, 2003; January 1, 2006.

General Authority: NDCC 23-27-04.3

Law Implemented: NDCC 23-27-04.3

33-36-01-07. Hearing.

A request for hearing must be received by the department no later than twenty days following the individual's receipt of the allegations against the individual. If a hearing is requested, the department will apply to the office of administrative hearings for appointment of a hearing officer. The department will notify any complainants and the accused of the date set for the hearing. The hearing officer will conduct the hearing and prepare recommended findings of fact and conclusions of law as well as a recommended order for the department. The department shall notify the individual of its findings in writing after receiving the attorney general's finding of fact, conclusion of law, and recommended order.

History: Effective April 1, 1992.

General Authority: NDCC 23-27-04.3

Law Implemented: NDCC 23-27-04.3

33-36-01-08. Waivers.

Based on each individual case, the department may waive any provisions of this chapter that may result in unreasonable hardship upon the individual or the individual's emergency medical service operation, provided such a waiver does not adversely affect the health and safety of patients. The department may consider waivers for the following situations and conditions:

1. An individual had completed all the requirements for recertification or relicensure and a good-faith effort was made by that individual to recertify with the national registry and by no fault of the individual recertification was not granted.
2. An individual who was current in the individual's certification or license was called to active duty in the United States armed forces and deployed to an area without the resources to maintain the individual's certification or license resulting in a lapse of the individual's certification or license.
3. Other reason as determined by the department.
4. A waiver may be granted for a specific period of time not to exceed one year and shall expire on June thirtieth of each year.

History: Effective January 1, 2006; amended effective July 1, 2010; April 1, 2024.

General Authority: NDCC 23-27-04.3

Law Implemented: NDCC 23-27-04.3