



State of New Jersey

DEPARTMENT OF HEALTH

OFFICE OF EMERGENCY MEDICAL SERVICES

PO BOX 360

TRENTON, N.J. 08625-0360

[www.nj.gov/health](http://www.nj.gov/health)

PHILIP D. MURPHY  
*Governor*

TAHESHA L. WAY  
*Lt. Governor*

KAITLAN BASTON, MD, MSc, DFASAM  
*Acting Commissioner*

**Certificate of Waiver for  
Basic Life Support Services (2<sup>nd</sup> REVISION)**

**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 staffing 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 is 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 will resume effect on January 1, 2024.

The BLS industry has 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 have advised, and data compiled by the New Jersey Department of Labor and Workforce Development has shown, that EMT staffing shortages remain throughout the industry. As a result, it is anticipated that hundreds of ambulances will be 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 has thoroughly reviewed and considered the BLS providers' concerns and agrees with their assessment of the EMT staffing issues that are currently plaguing the BLS industry. From its review, OEMS finds that the shortage of ambulances due to insufficient EMT staff could result in extended wall (wait) times for patients requiring non-emergency BLS transports, which would create a backlog of patients within the hospital system, compromise timely access to medical care, strain the broader healthcare system and likely compromise the ability of BLS agencies to meet the service demands of the community. OEMS finds that providers offering non-emergent BLS transportation play a crucial role in supporting the healthcare infrastructure and the consequences of increased wall 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 has determined that a waiver of its regulatory staffing requirements for ambulances providing non-emergent BLS transportation is necessary and appropriate.

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 staffing 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 staffing 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 December 31, 2024, a BLS agency that complies with the terms and conditions of this waiver may authorize its basic life support services vehicles to be staffed by either (a) a minimum of two EMTs; or (b) one EMT and one EMR.
2. No later than 54 days after the effective date of this waiver (**February 23, 2024**), the licensed BLS service agency shall provide the Department with:
  - a. A letter acknowledging the terms and conditions outlined in this waiver;
  - b. The anticipated timeframe for utilization of this waiver;
  - c. Full staff roster, including credential level (i.e. EMR, EMT, Paramedic), employment status (full-time, part-time, and per diem), and New Jersey EMS identification number. All staff shall obtain a NJ EMS ID number. Staff may register for an ID (if they don't already have one) at [www.njems.njlincs.net](http://www.njems.njlincs.net);
  - d. Full list of operational and non-operational vehicles to include:
    - i. Ambulances; and
    - ii. Mobility Assistance Vehicles.
  - e. 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, submitted on or after January 31, 2024, 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. Render care within their respective scope of practice; and
  - f. Provide primary patient care at all times.
6. The EMR acting under this waiver shall:
  - a. Possess a valid Emergency Medical Responder certification from:
    - i. The American Red Cross (ARC)
    - ii. The National Safety Council (NSC);
    - iii. The American Safety & Health Institute (ASHI); or
    - iv. The National Registry of Emergency Medical Technicians.
  - b. Obtain a valid National Registry Emergency Medical Responder certification within 12 months of the enactment of this waiver;
  - c. Possess a valid CPR certification at the Healthcare Provider/Professional Rescuer Level;

- d. Possess a valid drivers license;
  - e. Be at least 18 years of age; and
  - f. Render care within their respective scope of practice.
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 scope of practice; and
  - b. Safe vehicle operations; and
  - c. Patient lifting and moving; and
  - d. Safe use of patient restraints; and
  - 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 is provisionally or temporarily credentialed.
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 within 90 days of the effective date of this waiver. *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](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 promptly submit an initial report to OEMS in electronic format, **NO LATER than March 31, 2024**. Subsequently, monthly reports are to be submitted no later than 14 days following the conclusion of the preceding calendar month. These reports shall include the following:
- a. The number of hospital patient discharges completed. (daily and monthly)
  - b. The number of hospital patient discharges the agency was **UNABLE** to complete and why. (daily and monthly)
  - c. The number of scheduled transports (i.e. Dialysis, Dr. appointment) completed. (daily and monthly)
  - d. The number of scheduled transports (i.e. Dialysis, Dr. appointment) the agency was **UNABLE** to complete and why. (daily and monthly)
  - e. Average time from: (Hospital) daily and monthly
    - i. Time of request to scheduled pick-up time;
    - ii. Scheduled pick-up time to crew arrival;
    - iii. Crew arrival to crew departure;
    - iv. Crew departure to crew arrival at final destination; and
    - v. Crew arrival at final destination to crew clearance.
  - f. Average time from: (scheduled transport) daily and monthly
    - i. Time of request to scheduled pick-up time;
    - ii. Scheduled pick-up time to crew arrival;
    - iii. Crew arrival to crew departure;

- iv. Crew departure to crew arrival at final destination; and
  - v. Crew arrival at final destination to crew clearance.
- g. Total number of non-emergent transport vehicles in-service. (daily and monthly)
  - h. Total number of 911/emergent transport ambulances in-service. (daily and monthly)
  - i. Total number of non-emergent transport vehicles out of service. (daily and monthly)
  - j. Total number of 911/emergent transport out of service. (daily and monthly)
  - k. Total number of times a vehicle was utilized with reduced staffing. (daily and monthly)
  - l. Total number of times a vehicle was utilized with full staffing. (daily and monthly)
  - m. Total number of responses/calls/transport completed by every EMT and EMR while working with reduced staffing. (daily and monthly)
  - n. Total number of responses/calls/transport completed by every EMT and EMR while working with two EMTs. (daily and monthly)
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 for operating an unlicensed vehicle or agency 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 staffing 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 is valid until the expiration date listed below unless sooner suspended, modified, or revoked by the Department.
17. 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.
18. All deadlines are absolute and non-negotiable. No additional extensions will be granted for any aspect of this waiver.
19. This 2<sup>nd</sup> Revision of the Basic Life Support Waiver for all Licensed BLS Agencies providing non-emergent BLS transportation amends and supersedes the revised Waiver issued on December 29, 2023.

FOR: Kaitlan Baston, MD, MSc, DFASAM  
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

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

**EXPIRES:** December 31, 2024