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April 12, 2018

Charles R. "Chuck" O'Neal, MS, NRP, CCEMT-P
Deputy Executive Director
Kentucky Board of Emergency Medical Services
118 James Court, Suite 50
Lexington, Kentucky 40505

RE: Mutual Aid Services Provided by Class I Ambulance Provider

Dear Mr. O'Neal:

The Kentucky Board of Emergency Medical Services (the "Board" or "KBEMS") has requested that McBrayer, McGinnis, Leslie & Kirkland, PLLC, review the issue if a Class I ambulance service can limit the geographic service area for one or more of its available Basic Life Support ("BLS") or Advanced Life Support ("ALS") units for which the service has obtained a Certificate of Need. Ground ambulance services are required, pursuant to 202 KAR 7:501, to provide emergency medical services to a defined geographic service area or through mutual aid agreements with other fire or emergency medical services agencies.

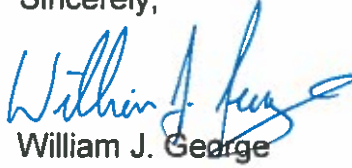
202 KAR 7:501 §2 requires ground ambulance services to obtain both a Certificate of Need through the Cabinet for Health and Family Services and a license through the Board to engage in emergency medical services. Agencies seeking a license are required to provide the Board with an accurate map of its geographic service area which reflects the service area identified by the provider's Certificate of Need. 202 KAR 7:501 §2(5). A licensed provider may respond to calls outside of the provided geographic service area only if the provider is providing mutual aid, disaster assistance, nonemergency transfers, or interfacility care to residents of the provider's service area. 202 KAR 7:501 §2(6).

Kentucky law explicitly prohibits a ground ambulance provider from refusing a request for emergency services if a unit from that provider is available in the service area. 202 KAR 7:501 §6(8). Therefore, a ground ambulance service cannot refuse to send an **available** BLS or ALS unit in the event of an emergency medical service call that is outside of the ground ambulance's primary jurisdiction, but still within the defined geographic service area as identified through its license and Certificate of Need.

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If you have any questions or comments, please do not hesitate to contact me.

Sincerely,



William J. George

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