




**NC DEPARTMENT OF
HEALTH AND
HUMAN SERVICES**
Division of Health Service Regulation

ROY COOPER • Governor
KODY H. KINSLEY • Secretary
MARK PAYNE • Director

MEMORANDUM

TO: EMS Administrators

FROM: Tom Mitchell, Section Chief 
DHHS, DHSR, Office of Emergency Medical Services

DATE: May 10, 2023

SUBJECT: N.C. Gen. Stat. § 131E-158(a1) Waiver (Staffing)

As part of the state of North Carolina's response to the COVID-19 pandemic beginning in March of 2020, the North Carolina Office of EMS requested and was granted the ability to waive N.C. Gen. Stat. § 131E-158.

This waiver has continued to be in effect through the declared federal Public Health Emergency for COVID-19, declared under section 319 of the Public Health Services (PHS) and is set to expire on May 11, 2023. In response to an anticipated end to the federal Public Health Emergency, on July 7, 2022, North Carolina Session Law 2022-74 was enacted and included legislation for the North Carolina Office of Emergency Medical Services to provide ambulance transport waiver flexibilities in the event of an emergency that poses a risk to the health or safety of patients.

NCOEMS has worked to develop a policy and application process for EMS agencies to continue utilizing this waiver to address ongoing staffing concerns that risk response capabilities and pose a risk to the health or safety of patients.

Upon NCOEMS's approval of a waiver application, staffing of an ambulance may be modified to be a minimum of an emergency medical technician, responsible for patient care of the mission, and a licensed driver determined by the EMS System, responsible for operation of the vehicle. Non-credentialed individuals may only drive the ambulance and are not responsible for any aspect of patient care. N.C. Gen. Stat. § 131E-158(a1).

NCOEMS's intent in issuing a waiver is to protect the health, safety, and welfare of residents and visitors located in North Carolina, provide necessary relief pertaining to emergency medical ambulance services in the event of an emergency and allow for more efficient treatment of patients.

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF HEALTH SERVICE REGULATION

OFFICE OF EMERGENCY MEDICAL SERVICES

LOCATION: 1201 Umstead Drive, Wright Building, Raleigh, NC 27603
MAILING ADDRESS: 2707 Mail Service Center, Raleigh, NC 27699-2707

<https://info.ncdhhs.gov/dhsr/> • TEL: 919-855-3935 • FAX: 919-733-7021

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Application guidelines and a link to the electronic application are attached for your review. Additional information may be obtained from your Regional EMS System Specialist.

Western Region: James Caldwell
James.R.Caldwell@dhhs.nc.gov

Central Region: Anthony Davis
Anthony.G.Davis@dhhs.nc.gov

Eastern Region: Randy Likens
Randall.Likens@dhhs.nc.gov