

Transportation of persons to or from medical locations by 41.11. § paratransit operations utilizing specialized equipment—statement of policy.

(a) **Definitions.** The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

Basic life support equipment—Equipment necessary to provide basic life support services.

Basic life support services—The prehospital or interhospital emergency medical care and management of illness or injury performed by specially trained, certified or licensed personnel, including automated external defibrillation, cardiopulmonary resuscitation, airway management, control and stabilization of bleeding or injuries, and first aid.

Health care facility—[A general or special hospital, as defined in section 103 of the Health Care Facilities Act (35 P. S. 448.103). §]

A health care facility providing clinically related health services, (i) including a general or special hospital, including psychiatric hospitals, rehabilitation hospitals, ambulatory surgical facilities, long-term care nursing facilities, cancer treatment centers using radiation therapy on an ambulatory basis and inpatient drug and alcohol treatment facilities, both profit and nonprofit and including those operated by an agency or State or local government.

The term includes a hospice. (ii)

The term includes an office used primarily for the private or group (iii) practice by health care practitioners where diagnostic, rehabilitative and treatment services are offered.

[***Health care institution***—The major categories of health care institutions include: hospitals, nursing care institutions, home health agencies, infirmaries and behavioral health services.

Health care provider—A person who operates a health care facility, health care institution or health maintenance organization.

Health maintenance organization—An organization which provides health care services as defined in section 103 of the Health Care Facilities Act.]

Nonambulatory person—A person who is not able to walk, not able to walk without assistance or who has a medical condition so that even assisted ambulation is medically contraindicated.

(b) **Exemption criteria.** If the following circumstances are present, the Commission will regard that operation as beyond the regulatory jurisdiction of the Commission[,] under **the ill or injured exemption to the definition of "common carrier by motor vehicle" in 102 66 Pa.C.S. §[(9)]** (relating to definitions):

The transportation is performed by a carrier providing paratransit (1) service utilizing **[specialized] basic life support** equipment. **The vehicle shall be operated by a driver and at least one additional person with medical training, such as an emergency medical technician, sufficient to provide basic life support services.**

The passengers are (2) **nonambulatory** persons, including patients, who—because they are injured or ill—require transportation to or from health care **[providers] facilities**, as defined in this section.

(c) ***Purpose.*** This policy statement effectuates the Commonwealth Court decision of *Chappell v. Pennsylvania Public Utility Commission*, 57 Pa. Commw. 17, 425 A.2d 873 (1981) **and** *Triage, Inc. v. Pennsylvania Public Utility Commission*, 69 Pa. Commw. 230, 450 A.2d 790 (1982).

[This policy statement also incorporates the (d) Commonwealth Court decision of *Triage, Inc. v. Pennsylvania Public Utility Commission*, 69 Pa. Commw. 230, 450 A.2d 790 (1982) and the Commission's decision of *Pennsylvania Public Utility Commission v. National MediVans, Inc.*, Docket No. C-903059 (Order entered April 18, 1991).]