

TASMANIA

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**AMBULANCE SERVICE REGULATIONS 2018**

**STATUTORY RULES 2018, No.**

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## AMBULANCE SERVICE REGULATIONS 2018

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Ambulance Service Act 1982*.

Dated 20 .

By Her Excellency's Command, Governor

Minister for Health

### PART 1 – PRELIMINARY

#### 1. Short title

These regulations may be cited as the *Ambulance Service Regulations 2018*.

#### 2. Commencement

These regulations take effect on the day on which their making is notified in the *Gazette*.

#### 3. Interpretation

In these regulations –

*Act* means the *Ambulance Service Act 1982*;

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***acute***, in relation to a person's medical needs, means that –

- (a) the medical needs, or the symptoms of those medical needs, are a result of a severe injury, an episode of illness, or a medical condition; and
- (b) the medical needs, or symptoms, require active but short-term medical treatment or care; and
- (c) a registered health care professional with specialist expertise is required to treat, or care for, the medical needs or symptoms;

***approved*** means approved by the Secretary;

***carer escort***, in relation to a patient, means a family member, friend or carer of the patient who is willing to travel with the patient while the patient is being provided with non-emergency patient transport services;

***clinical escort*** means a registered health practitioner who is able to provide supervision, clinical observation and clinical care under his or her registration under the Health Practitioner Regulation National Law (Tasmania);

***clinical observation*** means visually observing a patient, and any clinical equipment

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attached to the patient, to monitor any visual changes in the patient;

***complaint*** has the same meaning as in the *Health Complaints Act 1995*;

***crew member***, in relation to an NEPT Service, means one of the following persons engaged by a licensee to provide non-emergency patient transport services in respect of the Service:

- (a) a clinical escort;
- (b) a patient-transport officer;

***critical incident*** means –

- (a) the death of a patient; or
- (b) an injury, or other form of harm, to a patient that results in the patient requiring additional supervision or medical treatment; or
- (c) an event that results in a foreseeable risk of –
  - (i) the death of a patient; or
  - (ii) an injury or other form of harm, to a patient that results in the patient requiring additional supervision or medical treatment;

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***health facility*** means business premises where a registered health practitioner provides health care or treatment for a person for consideration, whether monetary or otherwise;

***infection control guidelines*** means the Australian Guidelines for the Prevention and Control of Infection in Healthcare published in 2010 by the National Health and Medical Research Council, as amended or substituted from time to time;

***infection prevention and control management plan***, of an NEPT Service, means the management plan established in respect of the Service under regulation 18(1);

***licensee***, of an NEPT Service, means the person who holds the relevant NEPT licence for the Service;

***low acuity patient*** – see regulation 9;

***medium acuity patient*** – see regulation 10;

***neonate*** means a child who has not attained the age of 29 days;

***NEPT vehicle*** means a vehicle being used to provide non-emergency patient transport services;

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***paediatric patient*** means a patient who has attained the age of 2 years but has not attained the age of 14 years;

***patient*** means a person who is eligible to be provided with non-emergency patient transport services under regulation 7(1);

***patient assessment record*** means the written record of the assessment of a person under regulation 7(1)(c) –

- (a) made under regulation 8(3); and
- (b) if such a record is made by a person other than a clinical escort of an NEPT Service, endorsed as required under regulation 8(5);

***patient care record*** means the record required to be kept in respect of a patient under regulation 32;

***patient representative***, of a patient, includes –

- (a) a carer escort of the patient; and
- (b) a registered health practitioner nominated by the patient; and
- (c) a family member, or carer, of the patient nominated by the patient;

***patient-transport officer*** means a person –

- (a) who is not a clinical escort; and
- (b) holds –

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- (i) a certificate III in non-emergency client transport issued under the Australian Qualifications Framework; or
- (ii) such other qualification determined by the Secretary to be equivalent to that certificate;

***portable equipment*** means equipment that is –

- (a) used to provide non-emergency patient transport services; and
- (b) capable of being transported within an NEPT vehicle;

***registered health practitioner*** means a person who is registered under the Health Practitioner Regulation National Law (Tasmania) to practise a health profession within the meaning of that Act;

***relevant NEPT licence***, in relation to an NEPT Service, an NEPT vehicle or non-emergency patient transport services, means the NEPT licence under which –

- (a) a licensee is operating the Service; or
- (b) the vehicle is being operated to provide non-emergency patient transport services; or

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- (c) the non-emergency patient transport services are being provided;

***reportable incident*** means any of the following incidents that occurs while a patient is receiving non-emergency patient transport services:

- (a) a critical incident;
- (b) a traffic accident, or other traffic incident, involving the NEPT vehicle being used to provide those services;
- (c) the transfer of the patient to the Ambulance Service, or the provision of assistance to the patient under the direction of the Ambulance Service, in accordance with regulation 15;
- (d) the use of warning lights by the NEPT vehicle providing those services to the patient;
- (e) any other incident or event specified as a reportable incident in the relevant NEPT licence;

***time-critical***, in relation to a person's medical needs, means that those medical needs –

- (a) require immediate medical attention; and

- (b) require an emergency response.

**4. Paramedics**

- (1) The qualification prescribed for the purposes of section 3AB(a)(i)(A) of the Act is the Bachelor of Paramedic Science.
- (2) The ambulance services prescribed for the purposes of section 3AB(b) of the Act are the services specified in regulation 5.

**5. Interstate services**

For the purposes of the definition of *interstate service* in section 38A of the Act, the following services are prescribed:

- (a) the ambulance service (ACT Ambulance Service) established under section 40 of the *Emergencies Act 2004* of the Australian Capital Territory;
- (b) Ambulance Service of NSW within the meaning of the *Health Services Act 1997* of New South Wales;
- (c) Queensland Ambulance Service established under section 3A of the *Ambulance Service Act 1991* of Queensland;
- (d) SA Ambulance Service Inc continued in existence under section 49 of the *Health Care Act 2008* of South Australia;

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- (e) Ambulance Service – Victoria within the meaning of the *Ambulance Services Act 1986* of Victoria;
  - (f) St John Ambulance Western Australia LTD (ABN 55 028 468 715);
  - (g) St John Ambulance NT INC (ABN 85 502 986 808).

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## **PART 2 – NEPT SERVICES**

### *Division 1 – General*

#### **6. Application of Part**

- (1) Unless otherwise specified in the Act or in the relevant NEPT licence for an NEPT Service, this Part prescribes, for the purposes of section 35F of the Act, the conditions that apply to all NEPT licences.
- (2) A condition prescribed by this Part is in addition to any obligation or requirement under the Act, or any other Act, and compliance with this Part may not, of itself, discharge an obligation or requirement under the Act or any other Act.
- (3) Unless otherwise specified, nothing in this Part authorises a person –
  - (a) to provide emergency services; or
  - (b) to provide non-emergency patient transport services outside –
    - (i) his or her scope of practice; and
    - (ii) the scope of the NEPT licence under which those services are being provided; or
  - (c) to provide non-emergency patient transport services if he or she is not –

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- (i) a crew member of an NEPT Service; or
  - (ii) a clinical escort sent with a patient while the patient is receiving those services from an NEPT Service.
- (4) Nothing in this Part prevents a licensee from exceeding any standard or requirement prescribed as a condition in this Part.

*Division 2 – NEPT patients*

**7. Criteria for patients**

- (1) Non-emergency patient transport services may only be provided to a person under the authority of an NEPT licence, if the person –
  - (a) has attained the age of 2 years; and
  - (b) does not have medical needs that are acute or time-critical; and
  - (c) has been assessed in accordance with regulation 8, as part of a clinical assessment, by –
    - (i) a member of an approved health profession; or
    - (ii) a crew member of the NEPT Service who is a clinical escort.

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- (2) Nothing in this regulation prevents a person from being a patient solely on the basis that the person –
- (a) is unable to be transported in a normal seated position, if the person is able to be lawfully transported by the NEPT vehicle being used to provide non-emergency patient transport services to the person; or
  - (b) requires a stretcher, or wheelchair, while being provided with non-emergency patient transport services; or
  - (c) needs assistance –
    - (i) to walk more than a few steps; or
    - (ii) to enter or leave the NEPT vehicle being used to provide non-emergency patient transport services to the person.

**8. Assessment of patients**

- (1) An assessment of a person under regulation 7(1)(c) must determine, in the opinion of the person performing the assessment, if –
- (a) the vital signs of the person are considered stable and normal for the person; and
  - (b) the person is a low acuity patient or medium acuity patient; and

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- (c) the person is unlikely to deteriorate while being provided with non-emergency patient transport services; and
  - (d) the person does not have any medical needs that are acute or time-critical.
- (2) A person performing the assessment of another person under regulation 7(1)(c) may determine, as part of that assessment, that the person requires a clinical escort to provide basic care and clinical observation of the person while the person is provided with non-emergency patient transport services.
- (3) A person performing the assessment of another person under regulation 7(1)(c) is to make a written record of –
- (a) that assessment of the person; and
  - (b) the determinations made as a result of that assessment.
- (4) A written record under subregulation (3) is to be in an approved form.
- (5) If an assessment of a person under regulation 7(1)(c) is performed at a health facility, the written record under subregulation (3) of that assessment must be endorsed by a medical practitioner or registered nurse employed at the health facility.

**9. Meaning of low acuity patient**

A patient is a low acuity patient if, at the time of being provided with non-emergency patient transport services, the patient –

- (a) is not a paediatric patient or a medium acuity patient; and
- (b) has not had recent deteriorations in his or her respiration rate as a result of a diagnosed illness or disease.

**10. Meaning of medium acuity patient**

(1) A patient is a medium acuity patient if, at the time of being provided with non-emergency patient transport services –

- (a) the patient has not had recent deteriorations in his or her respiration rate as a result of a diagnosed illness or disease; and
- (b) the patient assessment record for the patient states that a clinical escort is required to provide clinical observations of the person while the person is provided with non-emergency patient transport services.

(2) For the avoidance of doubt, a patient may be a medium acuity patient even if the patient –

- (a) is a paediatric patient; or

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- (b) requires oxygen therapy while being provided with non-emergency patient transport services, if that therapy was established before those services commenced.

***Division 3 – Provision of non-emergency patient transport services***

**11. Accepting patient for non-emergency patient transport services**

- (1) Subject to this regulation and regulation 12, a crew member of an NEPT Service may accept a patient as a patient of the Service.
- (2) A crew member of an NEPT Service must not accept a patient, assessed under regulation 7(1)(c) by a person other than a clinical escort of the Service, as a patient of the Service until the crew member receives a written copy of the patient assessment record for that patient.
- (3) If –
  - (a) a patient has been accepted as a patient of an NEPT Service; and
  - (b) the provision of non-emergency patient transport services by the Service is to commence from the premises of a health facility –

those services are not to commence until a crew member of the Service has received a verbal

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clinical handover in respect of the patient from an employee of that health facility who, within his or her scope of practice, may provide that handover to the satisfaction of the crew member.

- (4) A crew member of an NEPT Service must not accept a patient as a patient of the Service if –
- (a) the patient assessment record for the patient requires the patient to be transported with a clinical escort; and
  - (b) the clinical escort for the patient is not a crew member of the NEPT Service; and
  - (c) the crew member is not satisfied that the person provided as a clinical escort for the patient is qualified to be a clinical escort.
- (5) If a patient is accepted as a patient of an NEPT service and the patient has recently given birth to a child who is still a neonate, the NEPT Service may transport the neonate of the patient with the patient, if –
- (a) the neonate –
    - (i) does not require supervision, observation and care that is beyond the ability of the patient; and
    - (ii) does not require supervision or medical treatment by a crew member of the NEPT Service; and

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- (iii) is able to be legally transported in the vehicle; and
  - (b) the patient is being transported from a health facility to another health facility that is willing to accept both the patient and the neonate.
- (6) If a patient is accepted as a patient of an NEPT Service, a crew member of the Service is to ensure that a patient care record is created in respect of the patient before any non-emergency patient transport services are provided to the patient.

**12. Certain persons not to be provided with non-emergency patient transport services**

- (1) A crew member of an NEPT Service must not accept a patient as a patient of the Service if the crew member knows, or reasonably ought to know, that –
  - (a) the patient is not a low acuity patient or medium acuity patient; or
  - (b) the medical needs of the patient are acute or time-critical; or
  - (c) where the patient has been assessed under regulation 7(1)(c) by a person other than a clinical escort of the Service –

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- (i) the patient's vital signs have deteriorated since being so assessed; and
- (ii) in the opinion of the crew member, the patient is no longer a low acuity patient or medium acuity patient; or
- (d) the non-emergency patient transport services to be provided to the patient are outside the authority of the relevant NEPT licence; or
- (e) providing non-emergency patient transport services to the patient would put at risk the health and safety of the person, a patient, a crew member or a member of the public.

Penalty: Fine not exceeding 3 penalty units.

- (2) Nothing in this regulation prevents a licensee, or crew member, from refusing to provide non-emergency patient transport services to a person or patient for any other reason.

**13. Provision of non-emergency patient transport services**

A crew member providing non-emergency patient transport services under the authority of an NEPT licence must ensure that, when providing those services to a patient –

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- (a) the patient is not left unattended in the NEPT vehicle, by the crew members providing the non-emergency patient transport services, at any stage while those services are being provided unless –
- (i) a crew member has assessed, and is within his or her scope of practice in assessing, the patient and determined that the patient is clinically stable and able to be safely left unattended; and
  - (ii) the patient, or another person who may lawfully consent on behalf of the patient, has consented to being left unattended by the crew members; and
- (b) the patient –
- (i) is under clinical observation by a crew member acting within his or her scope of practice for the duration of the transport; and
  - (ii) any significant changes noted as part of that clinical observation are recorded; and
- (c) the patient is not transported with another patient, if either patient –

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- (i) has, or is suspected of having, an infectious communicable disease; or
  - (ii) is immune-suppressed; or
  - (iii) is being provided with palliative care; or
  - (iv) has requested, or reasonably requires, privacy due to their medical condition or for any other reason; or
  - (v) is behaving, or is likely to behave, in a way that may distress or endanger another person; or
  - (vi) is being transported with a therapeutic, or monitoring, device that would impede access to any patient being transported at the same time; and
- (d) the patient is only transported with a carer escort if the carer escort is able to be legally transported in the vehicle; and
- (e) if the patient is required in his or her patient assessment record to be escorted by a clinical escort, the patient is escorted by a clinical escort.

Penalty: Fine not exceeding 4 penalty units.

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**14. Completion of non-emergency patient transport services**

- (1) If the provision of non-emergency patient transport services to a patient is completed at a location other than a health facility, a crew member providing those services must –
- (a) provide the patient with a copy of the patient’s patient care record; and
  - (b) if the patient is being transported with, or received by, his or her patient representative, provide the patient representative with –
    - (i) a verbal handover of the patient from the most qualified crew member in attendance that includes details of any clinical services provided to the patient during the provision of the non-emergency patient transport services; and
    - (ii) if a critical incident occurred in respect of the patient, while the patient was being provided with the non-emergency patient transport services, verbal details of the critical incident and its effect on the patient.
- (2) If the provision of non-emergency patient transport services to a patient is completed at a health facility, a crew member providing those services must provide to an appropriately

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qualified employee of the health facility receiving the patient (the *receiving facility*) –

- (a) a verbal handover of the patient from the most qualified crew member in attendance that includes details of any clinical services provided to the patient during the provision of the non-emergency patient transport services; and
  - (b) a copy of the patient's patient care record; and
  - (c) if a critical incident occurred in respect of the patient, while the patient was being provided with the non-emergency patient transport services, verbal details of the critical incident and its effect on the patient.
- (3) If a critical incident occurred in respect of a patient while the patient was being provided with non-emergency patient transport services, the licensee of the NEPT Service that provided the services must ensure that –
- (a) if the patient was transferred to a receiving facility under subregulation (2) for admission at that facility, written confirmation of the details of the critical incident and its effect on the patient is provided to the receiving facility; and
  - (b) in any other case, written confirmation of the details of the critical incident and its effect on the patient is provided to the

patient and any patient representative of the patient.

**15. Transfer of patients in certain circumstances**

- (1) If, while a patient is being provided with non-emergency patient transport services, the health of the patient deteriorates to a point where his or her medical needs are assessed as acute or time-critical, a crew member providing the services must –
- (a) contact the communications centre operated by the Ambulance Service immediately; and
  - (b) relay all relevant information about the patient, his or her condition and any other relevant information to enable an operator at the communications centre to make an assessment of the situation; and
  - (c) comply with, or ensure compliance with, any instructions provided to the crew member by the operator in response to the information; and
  - (d) ensure that the patient is not left unattended before the patient may be transferred to the relevant medical authorities as instructed by the operator.
- (2) Subregulation (1) does not apply in respect of a patient if the patient deteriorates at a health facility that is able to lawfully provide the acute, or time-critical, care required by the patient.

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- (3) A person must comply with any instructions provided by or on behalf of the Ambulance Service in respect of the patient.

Penalty: Fine not exceeding 2 penalty units.

- (4) If a patient is transferred from an NEPT Service to the Ambulance Service under this regulation –
- (a) the crew member providing care to the patient during the provision of non-emergency patient transport services must provide a verbal clinical handover of the patient to an officer of the Ambulance Service who is attending to the patient; and
  - (b) a crew member must provide a copy of the patient's patient care record and any other information in respect of the patient that the crew member considers relevant.

**16. NEPT Service details to be provided to patient on request**

If requested by a patient, or a person who is a prospective patient, of an NEPT Service, the licensee of the Service must ensure that the patient is provided with a brochure containing, at a minimum, the following information:

- (a) the rights of a patient of the Service;
- (b) the contact details for the NEPT Service;
- (c) the procedure for making a complaint in respect of the Service, including –

- (i) how complaints are managed and an approximate time frame in which complaints are to be resolved; and
- (ii) details of other bodies to which a complaint in respect of the Service may be made.

***Division 4 – Administrative requirements for NEPT Service***

***Subdivision 1 – Clinical governance***

**17. Clinical governance committee**

- (1) The licensee of an NEPT Service must establish a clinical governance committee in respect of the Service to review and make recommendations in respect of the following:
  - (a) the administration requirements for the Service, including any registers and plans to be implemented and maintained in relation to the clinical and non-clinical operation of the Service;
  - (b) the quality assurance plan, and the patient care functions, of the Service in relation to the clinical and non-clinical operation of the Service;
  - (c) the procedures for determining the scope of practice of the crew members of the Service;

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- (d) the safety and quality requirements for the provision of non-emergency patient transport services;
  - (e) the procedures within the Service for the prevention, and control, of infections;
  - (f) the procedures for the management of incidents and complaints in respect of the Service;
  - (g) improvements to the quality and safety of non-emergency patient transport services offered and provided by the Service;
  - (h) improvements to the Service generally.
- (2) If requested to do so by the Secretary, the licensee of an NEPT Service must provide a copy of the reviews and recommendations of the clinical governance committee of the Service in accordance with that request.

Penalty: Fine not exceeding 2 penalty units.

**18. Infection prevention, control and hygiene standards**

- (1) The licensee of an NEPT Service must establish and maintain a management plan for infection prevention and control in respect of the Service –
- (a) in accordance with the relevant infection control guidelines and best practice; and
  - (b) in compliance with each relevant direction by the Director of Public Health under the *Public Health Act 1997*.

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- (2) The licensee of an NEPT Service must ensure that all NEPT vehicles used to provide non-emergency patient transport services as part of the Service –
- (a) are kept in a clean and hygienic condition at all times in accordance with best practice infection control guidelines; and
  - (b) comply with –
    - (i) the infection prevention and control management plan established for the Service; and
    - (ii) the infection control guidelines.

**19. Quality assurance plans**

- (1) The licensee of an NEPT Service must review and maintain the quality assurance plan submitted as part of the application for the relevant NEPT licence.
- (2) A quality assurance plan must –
- (a) be in accordance with each relevant AS/NZS standard; and
  - (b) make provision for the following in respect of the NEPT Service and the non-emergency patient transport services provided by the Service:
    - (i) clinical governance;
    - (ii) risk management;

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- (iii) staff credentialling and scope of practice procedures;
- (iv) clinical care;
- (v) infection prevention and control;
- (vi) vehicle and equipment maintenance, including the schedules for that maintenance;
- (vii) incident management;
- (viii) feedback and complaints management;
- (ix) staff orientation, education and training;
- (x) staff performance management;
- (xi) consumer engagement;
- (xii) such other areas as are determined by the Secretary.

**20. Audits**

The licensee of an NEPT Service must comply with any requirements of an authorised officer performing an audit of the Service in accordance with the relevant NEPT licence.

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***Subdivision 2 – Staffing requirements***

**21. Qualifications and experience of crew members generally**

- (1) The licensee of an NEPT Service must ensure that –
- (a) the relevant training, qualifications and registrations of each crew member of the Service is current and in force; and
  - (b) the scope of clinical practice of each crew member of the Service is determined in accordance with the crew member’s qualifications, experience and competence; and
  - (c) the licensee receives evidence of the currency of the qualifications and registration of each crew member of the Service; and
  - (d) each crew member employed by the licensee only operates within his or her determined scope of practice; and
  - (e) each crew member holds a current registration under the *Registration to Work with Vulnerable People Act 2013*; and
  - (f) each crew member, who is intending to operate an NEPT vehicle of the Service, holds a current and valid licence that

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authorises the crew member to operate the vehicle; and

- (g) each crew member is immunised with all relevant vaccines specified for a healthcare worker in Table 3.3.7 in Part 3 of The Australian Immunisation Handbook, issued by the Australian Department of Health and as amended or substituted from time to time.
- (2) The licensee of an NEPT Service must ensure that each crew member of the Service –
- (a) is a suitable person to provide non-emergency patient transport services; and
  - (b) does not present a risk to public safety while providing those services; and
  - (c) in respect of a patient of the Service, has the necessary knowledge, skills and competence to provide non-emergency patient transport services to that patient.
- (3) In determining whether a crew member of an NEPT Service is a suitable person under subregulation (2), the licensee of the Service must take into account, but is not limited to taking into account –
- (a) the crew member’s criminal history, including any convictions for offences under the *Traffic Act 1925*, or the *Vehicle and Traffic Act 1999*, where the maximum penalty for the offence

includes a term of imprisonment of at least 3 months; and

- (b) any sanctions taken by the Australian Health Practitioner Regulation Agency, established under section 23 of the Health Practitioner Regulation National Law (Tasmania), in respect of the crew member.

**22. Provision of unsupervised non-emergency patient transport services**

- (1) The licensee of an NEPT Service must ensure that a crew member who is employed as a clinical escort for the Service does not provide unsupervised non-emergency patient transport services on behalf of the Service unless he or she is authorised to do so under his or her scope of practice as a clinical escort.
- (2) The licensee of an NEPT Service must ensure that a crew member who is employed as a patient-transport officer for the service does not provide unsupervised non-emergency patient transport services on behalf of the Service unless the crew member –
  - (a) holds a current registration under the Health Practitioner Regulation National Law (Tasmania) that authorises care that is equal to, or exceeds, his or her scope of practice as a patient-transport officer; or

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- (b) has completed at least 80 hours of supervised clinical practice experience within the first 3 months of his or her employment with the licensee; or
- (c) has completed the training required to be provided to a crew member under regulation 25(2) if the patient-transport officer was previously employed by another NEPT Service, or ambulance service, immediately before being employed or engaged by the licensee.

Penalty: Fine not exceeding 5 penalty units.

- (3) A crew member of an NEPT Service must not provide unsupervised non-emergency patient transport services on behalf of the Service if he or she knows, or reasonably ought to know, that he or she is not authorised to provide those services unsupervised.

Penalty: Fine not exceeding 2 penalty units.

**23. Identification of crew members**

- (1) The licensee of an NEPT Service must ensure that each crew member of the Service is provided with an identification badge that clearly states the crew member's name, position title and the trading name of the Service.

Penalty: Fine not exceeding 3 penalty units.

- (2) A crew member of an NEPT Service must wear his or her identification badge provided by a

licensee under subregulation (1) while he or she is providing non-emergency patient transport services on behalf of the Service.

Penalty: Fine not exceeding 2 penalty units.

#### **24. Staffing of NEPT vehicles**

- (1) Except as otherwise specified in this regulation, the licensee of an NEPT Service must ensure that each NEPT vehicle of the Service is staffed by at least 2 crew members.
- (2) An NEPT vehicle may be staffed by a single crew member if –
  - (a) in accordance with these regulations, the crew member may provide non-emergency patient transport services while unsupervised; and
  - (b) the crew member is able to visually monitor the patient at all times; and
  - (c) the patient –
    - (i) is a low acuity patient; and
    - (ii) is able to be safely assisted into and out of the vehicle by the single crew member; and
    - (iii) does not have a diagnosed communication disorder; and
    - (iv) is able to clearly communicate with the crew member while

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being provided with non-emergency patient transport services; and

- (d) if the patient has impaired cognitive function, or confusion or disorientation, the patient is accompanied by a carer escort who is willing and able to support and reassure the patient.
- (3) If a stretcher is used while non-emergency patient transport services are provided, each crew member providing those services must ensure that –
- (a) the stretcher is operated in accordance with the manufacturer’s instructions; and
  - (b) each person operating the stretcher has training in the operation of the stretcher.

Penalty: Fine not exceeding 4 penalty units.

**25. Training requirements for crew members**

- (1) In this regulation –

*training areas*, in relation to a crew member of an NEPT Service, includes the following areas:

- (a) first aid, including basic life support;
- (b) recognition of the clinical signs of deterioration and processes for

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the escalation of care based on current evidence-based practice;

- (c) infection prevention and control, including standard and transmission-based precautions (especially hand hygiene);
  - (d) occupational health and safety, including manual handling procedures for people and equipment;
  - (e) operation of equipment in accordance with the manufacturer's instructions for the equipment;
  - (f) any other area specified in the relevant NEPT Licence as a training area.
- (2) The licensee of an NEPT Service must ensure that each crew member is provided with, and completes, training in the training areas before the crew member provides non-emergency patient transport services on behalf of the Service.
- (3) In addition to any training provided in accordance with subregulation (2), the licensee of an NEPT Service must ensure that, at least once in every 12-month period, each crew member of the Service is provided, at a minimum, with training in the training areas that are relevant to the scope of practice of the crew member.

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- (4) Nothing in this regulation lowers, or removes, a standard, requirement or obligation in place in respect of the training of crew members under the Act or any other Act.

***Subdivision 3 – Vehicles and equipment***

**26. NEPT vehicles**

- (1) Each NEPT vehicle of an NEPT Service must comply with, at a minimum, the following requirements:
- (a) that all stretchers, seats and restraints within the vehicle are –
    - (i) positioned in the vehicle to enable safe assessment or observation of, and interaction with, patients being transported in the vehicle; and
    - (ii) installed and maintained in accordance with each relevant AS/NZS standard, as amended or substituted from time to time;
  - (b) that the patient being transported in the vehicle is transported in a way that allows them to be –
    - (i) lawfully transported; and
    - (ii) visually monitored at all times by a crew member;

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- (c) that the vehicle is fitted with facilities that allow the vehicle to be heated and cooled as appropriate in the circumstances;
- (d) that the vehicle is fitted with interior lighting which may be adjusted from the patient compartment;
- (e) that the interior of the vehicle is able to be easily cleaned to a standard required to maintain infection control in accordance with –
- (i) the infection prevention and control management plan, established for the Service; and
  - (ii) the infection control guidelines.
- (2) Each NEPT vehicle that is a motor vehicle must comply, at a minimum, with the following requirements in addition to the requirement specified in subregulation (1):
- (a) that all doors to the vehicle must be fitted with a window;
  - (b) that each window to the vehicle is tinted to a degree that maintains patient privacy while still complying with the *Vehicle Standards*.
- (3) Nothing in this regulation lowers, or removes, a standard or requirement in place in respect of an NEPT vehicle under the Act, any other Act or an authorisation.

**27. Portable equipment**

- (1) Each NEPT vehicle is to be fitted with, at a minimum, the following equipment:
  - (a) the equipment and supplies necessary to meet the basic clinical needs of a patient for the duration of providing non-emergency patient transport services to the patient;
  - (b) the equipment and supplies necessary to provide initial first aid, or basic life support, if required, including but not limited to –
    - (i) a first aid kit; and
    - (ii) a portable blood pressure monitoring machine; and
    - (iii) portable oxygen and the appropriate tubing and masks for that portable oxygen;
  - (c) hands-free communication devices that are capable of communications between the vehicle, its base of operations, Ambulance Tasmania and the health facilities between which the vehicle may be transporting patients;
  - (d) any other equipment specified in the relevant NEPT licence for the vehicle as being required.

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- (2) The licensee of an NEPT Service must ensure that all portable equipment used in the provision of non-emergency patient transport services by the Service is installed, stored, and utilised in accordance with the manufacturer's instructions for that equipment.

Penalty: Fine not exceeding 5 penalty units.

- (3) The licensee of an NEPT Service must ensure that all communication equipment installed in an NEPT vehicle is operational before each time it is used by the Service to provide non-emergency patient transport services.

Penalty: Fine not exceeding 3 penalty units.

**28. Maintenance of equipment**

- (1) The licensee of an NEPT Service must ensure that an annual maintenance schedule is prepared in respect of all vehicles and all equipment, other than equipment designed for a single use, used to provide non-emergency patient transport services as part of the Service.

- (2) An annual maintenance schedule prepared under subregulation (1) –

(a) is to be in writing; and

(b) must not require a standard of maintenance of vehicles, or equipment, that is less than the standard specified in –

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- (i) the manufacturer’s instructions for the vehicle or equipment; or
  - (ii) each relevant AS/NZS standard; and
  - (c) must be reviewed and, if necessary, updated at least once in every 12-month period.
- (3) The licensee of an NEPT Service must ensure that all vehicles and all equipment, other than equipment designed for a single use, used to provide non-emergency patient transport services as part of the Service are maintained in accordance with the annual maintenance schedule prepared by the licensee under subregulation (1).

***Subdivision 4 – Records and reporting***

**29. Standard of record keeping**

- (1) Unless otherwise specified, the licensee of an NEPT Service must ensure that all records and documents kept in respect of the Service are kept in accordance with AS ISO 15489-2004 Records Management, as amended or substituted from time to time.
- (2) The licensee of an NEPT Service must ensure that all staff records required to be kept under regulation 33 are kept for at least 7 years after the member of staff has ceased to provide non-emergency patient transport services as part of the Service.

### **30. Incident reporting**

If there is a reportable incident in respect of an NEPT Service, the licensee of the Service must –

- (a) orally notify the Secretary of the reportable incident as soon as practicable after the incident occurred; and
- (b) submit to the Secretary a written report on the reportable incident, in an approved form, within 2 business days after the reportable incident; and
- (c) if the reportable incident was a critical incident involving a patient of the Service, the next of kin, patient representative or legal representative of the patient must be orally notified as soon as practicable after the incident occurred.

### **31. General reporting**

- (1) No later than 31 January in any year (the *reporting date*), a licensee of an NEPT Service must provide an annual report in respect of the Service to the Secretary for the calendar year (the *reporting year*) immediately preceding the reporting date.
- (2) An annual report under subregulation (1) in respect of an NEPT Service must be in an approved form and include the following matters:

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- (a) details of incidents involving a failure to comply with the quality assurance plan of the Service in that reporting year;
  - (b) the outcome of any investigation during that reporting year by the clinical governance committee, established in accordance with regulation 17, of the Service;
  - (c) details of any updates made during the reporting year to the quality assurance plan of the Service;
  - (d) the maximum number of equivalent full-time staff positions employed, during the reporting year, at the Service;
  - (e) any other matters specified by the Secretary.
- (3) If a person ceases to be the licensee of an NEPT Service during a reporting year, the person must still provide a report under subregulation (1) in respect of the part of the reporting year that he or she was the licensee for the Service.

**32. Patient care records**

- (1) The licensee of an NEPT Service must ensure that a patient care record is kept, in an approved form, in respect of each patient provided with non-emergency patient transport services by the Service.

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- (2) A patient care record created in respect of a patient –
- (a) must include –
    - (i) the patient assessment record for the patient; and
    - (ii) the approved information; and
  - (b) is to include any other information that a crew member providing non-emergency patient transport services to the patient considers relevant.

**33. Staff records**

The licensee of an NEPT Service must keep a record for each crew member of the Service that contains the following information:

- (a) the full name and date of birth of the crew member;
- (b) the current residential address of the crew member;
- (c) evidence of the identity of the crew member;
- (d) evidence of the current qualifications and credentials of the crew member that shows that the crew member complies with any relevant qualification requirements of the Act;

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- (e) evidence of the clinical experience of the crew member that shows that the crew member complies with any relevant clinical experience requirements of the Act;
- (f) the scope of practice of the crew member when providing non-emergency patient transport services;
- (g) evidence of the criminal history of the crew member, within the meaning of the *Registration to Work with Vulnerable People Act 2013*;
- (h) evidence of each type of training undertaken by the crew member under regulation 25;
- (i) evidence of the crew member's current, and in force –
  - (i) registration under the *Registration to Work with Vulnerable People Act 2013*; and
  - (ii) registration under the Health Practitioner Regulation National Law (Tasmania) if the crew member's scope of practice requires registration under that Act; and
  - (iii) licence under any Act under which the crew member intends to operate an NEPT vehicle.

**34. Maintenance records**

The licensee of an NEPT Service must keep records of all maintenance and repairs made to vehicles and equipment that are used as part of the NEPT Service.

*Subdivision 5 – Miscellaneous requirements*

**35. Insurance**

The licensee of an NEPT Service must hold and maintain each of the following types of insurance in respect of the Service at the following levels:

- (a) public liability insurance to the level of not less than \$10 million;
- (b) professional indemnity insurance to a level of not less than \$5 million.

Penalty: Fine not exceeding 4 penalty units.

**36. Advertising**

The licensee of an NEPT Service must not create, or distribute, information or promotional material that states, implies or infers –

- (a) that the licensee, or the Service or any other organisation operated by the licensee, is authorised to provide ambulance services; or

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- (b) false or misleading information in respect of the non-emergency patient transport services provided by the Service or under the relevant NEPT licence.

Penalty: Fine not exceeding 3 penalty units.

**37. Costs of compliance with Act**

For the avoidance of doubt and unless otherwise specified, the licensee of an NEPT Service must comply with all relevant provisions of the Act at his or her own expense.

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**PART 3 – MISCELLANEOUS**

**38. Fees**

- (1) For the purposes of the Act, the fee specified in respect of an application referred to in Schedule 1 is the fee prescribed for the purposes of that application.
- (2) The Secretary may reduce, waive or refund all, or any part, of a fee prescribed under subregulation (1) if the Secretary considers it appropriate to do so in the circumstances.

**39. Infringement offences**

For the purposes of section 41B of the Act –

- (a) an infringement offence is an offence against a provision of the Act, or these regulations, specified in column 2 of the table in Schedule 2; and
- (b) the penalty specified in column 3 of that table in relation to an infringement offence is the penalty payable for that offence.

**40. Legislation rescinded**

The legislation specified in Schedule 3 is rescinded.

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**SCHEDULE 1 – FEES**

	<b>Application</b>	<b>Regulation 38 Fee units</b>
1.	Application for an NEPT licence under section 35A of the Act	900
2.	Application for the renewal of an NEPT licence under section 35G	650
3.	Additional late fee under section 35G for application for the renewal of an NEPT licence	150
4.	Application for variation of NEPT licence under section 35H	450

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**SCHEDULE 2 – INFRINGEMENT OFFENCES**

Regulation 39

	<b>Provision of the Act or regulations</b>	<b>Penalty units</b>
1.	Section 20A(2)	20
2.	Section 20A(3)	20
3.	Section 35F(2)	10
4.	Section 35M(1)	3
5.	Section 36A(3)	10
6.	Section 37(1)	4
7.	Section 37A(1)	20
8.	Section 37B	20
9.	Section 39(1)	10
10.	Section 39(2)	10
11.	Section 39A(1)	15
12.	Section 39A(2)	20
13.	Section 39B(1)	20
14.	Section 39B(2)	20
15.	Section 39B(3)	20
16.	Section 39B(4)	20
17.	Section 39B(5)	20

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	<b>Provision of the Act or regulations</b>	<b>Penalty units</b>
18.	Section 40(1)	20
19.	Regulation 12(1)	0.5
20.	Regulation 13	0.6
21.	Regulation 15(3)	0.3
22.	Regulation 17(2)	0.3
23.	Regulation 22(2)	0.75
24.	Regulation 22(3)	0.3
25.	Regulation 23(1)	0.5
26.	Regulation 23(2)	0.3
27.	Regulation 24(3)	0.6
28.	Regulation 27(2)	0.75
29.	Regulation 27(3)	0.5
30.	Regulation 35	0.6
31.	Regulation 36	0.5

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**SCHEDULE 3 – LEGISLATION RESCINDED**

Regulation 40

*Ambulance Service (Paramedic) Regulations 2014* (No. 81 of  
2014)

*Ambulance Service (Paramedic) Amendment Regulations 2015*  
(No. 39 of 2015)

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 20 .

These regulations are administered in the Department of Health and Human Services.

**EXPLANATORY NOTE**

*(This note is not part of the regulations)*

These regulations prescribe, for the purposes of the *Ambulance Service Act 1982* –

- (a) the qualification requirements for paramedics under that Act; and
- (b) the minimum standards and requirements for NEPT Services and licensees under that Act; and
- (c) offences for which an infringement notice may be issued under that Act and the penalties for such infringement notices.