



*State of New Jersey*  
**DEPARTMENT OF HEALTH**

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PHILIP D. MURPHY  
*Governor*

SHEILA Y. OLIVER  
*Lt. Governor*

JUDITH M. PERSICILLI, RN, BSN, MA  
*Commissioner*

Senator Steven V. Oroho  
Assemblyman Parker Space  
Assemblyman Harold J. Wirths  
One Wilson Drive  
Suite 2B  
Sparta, New Jersey 07871

Dear Legislators:

I am in receipt of your letter dated February 3, 2022, wherein you request that the Department of Health (“Department”) issue a waiver for the minimum crewmember requirements for basic life support ambulances. Specifically, you request that the Department waive the crewmember requirements set forth in newly enacted P.L. 2021, c. 477, which requires basic life support ambulances responding to 911 calls to be staffed with a minimum of two certified Emergency Medical Technicians (EMTs). After careful consideration of your request and as explained below, the Department is unable to accommodate your request.

As background, the Department’s rules, namely N.J.A.C. 8:40-6.3, require basic life support ambulances to be staffed with a minimum of two EMTs. On March 9, 2020, Governor Murphy issued Executive Order No. 103, declaring the existence of a Public Health Emergency in New Jersey for Coronavirus disease 2019 (“COVID-19”). Because COVID-19 was projected to greatly strain the State’s medical professional staff, including EMTs, the Department found it necessary to issue a temporary rule waiver of N.J.A.C. 8:40-6.3. The waiver relaxed the basic life support crewmember requirements to allow for one EMT and one first responder to staff an ambulance. This temporary measure ensured that basic life support ambulances remained operational during the Public Health Emergency and were readily available to respond to medical emergencies, including an anticipated surge of COVID-19 patients. The Department also relaxed the EMT reentry certification requirements during the Public Health Emergency to ensure that the State had a sufficient number of qualified EMTs to render care to emergency medical patients. These waivers, combined with the deployment of one hundred Basic Life Support National Ambulance Contract units in our State, enabled the emergency medical services community to meet patient demand until the COVID-19 pandemic subsided.

In response to the ongoing pandemic, legislation was enacted in January of 2022 that extended a portion of the Department’s basic life support crewmember requirement waivers until January 1, 2023. Specifically, P.L. 2021, c. 477 permits basic life support ambulances responding

to non-911 calls to be staffed with a minimum of one EMT and one first responder but requires basic life support ambulances to be staffed with at least two EMTs when responding to 911 calls.

Since the enactment of P.L. 2021, c. 477, the number of COVID-19 cases has drastically decreased throughout the State. As the number of COVID-19 cases decrease, so too does the volume of prehospital 911 basic life support assignments and the need for a reduced crewmember complement for basic life support ambulances. Indeed, the two EMT staffing requirement is part and parcel to the delivery of high-quality emergency medical care in our State and should only be temporarily relaxed when absolutely necessary to respond to a health emergency or natural disaster. Because the COVID-19 pandemic is subsiding and there is now a statute requiring ambulances responding to 911 calls to be staffed with two EMTs, the Department is without a basis to waive the crewmember requirements for basic life support ambulances. Accordingly, the Department will not be issuing a new waiver for basic life support ambulance staffing requirements at this time.

I wholeheartedly agree with the sentiments expressed in your correspondence that our emergency medical service agencies provide invaluable services to our communities. To this end, the Department's Office of Emergency Medical Services is happy to provide any licensed basic life support agency with regulatory guidance or technical assistance regarding staffing. Any inquiries regarding staffing may be directed to the Office of Emergency Medical Services at 609-633-7777 or via email at [ems@doh.nj.gov](mailto:ems@doh.nj.gov).

Sincerely,



Judith M. Persichilli, RN, BSN, MA  
Commissioner