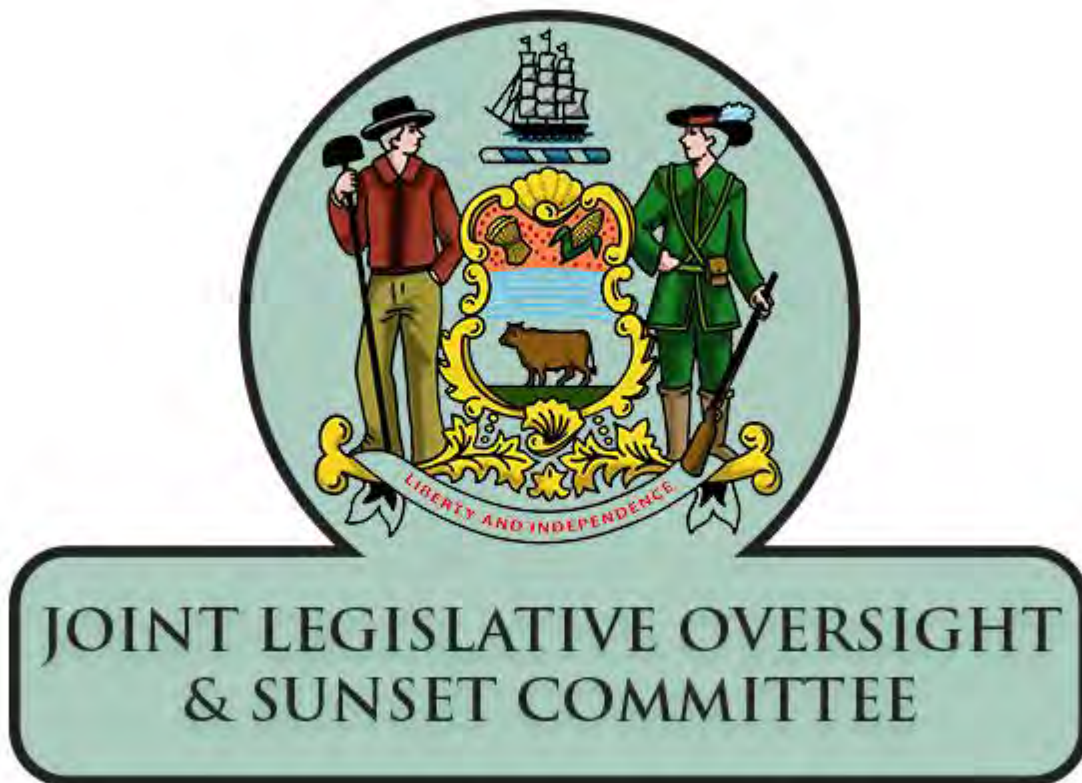


DELAWARE STATE FIRE PREVENTION COMMISSION Self-Report

151st General Assembly



*Respectfully submitted to the
Joint Legislative Oversight and Sunset Committee
June 2022*

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ABOUT JLOSC AND THE REVIEW PROCESS

The Joint Legislative Oversight and Sunset Committee (“JLOSC” or “Committee”) is a bipartisan body comprised of 5 members of the Senate appointed by the President Pro Tempore and 5 members of the House of Representatives appointed by the Speaker of the House.

JLOSC completes periodic reviews of state supported entities such as agencies, commissions, and boards following statutory criteria under [29 Del. Code, Chapter 102](#). The review’s purpose is to determine the public need for the entity and whether the entity is effectively performing to meet the need. The goal of the review is to provide strength and support to entities that are providing a state recognized need.

JLOSC performs its duties with support provided by the Division of Research’s dedicated and nonpartisan staff. JLOSC staff completes a performance evaluation of the entity under review and submits a Staff Report to JLOSC which includes analysis, key findings, and recommendations. Recommendations are not finalized until reviewed, discussed, and adopted by JLOSC with an affirmative vote of 7 members. In February 2023, JLOSC staff will schedule a presentation meeting for each entity under review to present to the Committee. For additional review information, please visit the Committee’s website at <https://legis.delaware.gov/Committee/Sunset>.

ABOUT THIS SELF-REPORT

The JLOSC statute requires the entity under review to supply information and materials to facilitate a legislative oversight and sunset review. Additionally, the entity under review has the burden of showing, through the statutory review criteria, that there is a genuine public need and that the entity is meeting that need.

JLOSC staff supplies each entity under review with a Self-Report template and instructions. All questions appearing in this Self-Report are from the JLOSC staff created *JLOSC Performance Review Questionnaire* (“questionnaire”) and are the same for each entity under review. All questions appearing in the questionnaire use statutory review criteria. Throughout the questionnaire, the use of the broad term “entity” refers to the entity under review, which may be a board, committee, commission, or council. The entity under review supplies review information by completing this Self-Report and is responsible for its contents and for forwarding all updates or corrections to JLOSC staff in a timely manner during the entire review period.

JLOSC staff will not edit or modify the information received in this Self-Report and only checks for completeness and adherence to instructions. JLOSC members will receive completed Self-Reports and updates directly from their staff. The Committee’s website will include electronic copies of all Self-Reports and any updates received from entities under review.

JLOSC PERFORMANCE REVIEW QUESTIONNAIRE

SECTION 1: ENTITY HISTORY, PURPOSE, AND FUNCTIONS

Section 1-A. Please provide a summary of the entity's history. Highlight any key events.

The State of Delaware, Office of State Fire Marshal, was established July 10, 1953. Volunteer Firemen throughout the state, the County Fire Associations, the Delaware Volunteer Firemen's Association and Governor J. Caleb Boggs worked diligently for passage of the legislation to create the agency.

The original law establishing the office required the governor to appoint the State Fire Marshal for a term of four years. The duties and powers are the same as listed in the present law: Title 16, Chapter 66, §6607.

The Office of the State Fire Marshal was responsible for Fire Safety, Fire Prevention, Fire Protection and participation in the Civil Defense Program established at that time.

Arson constituted a serious problem at this time. Arson Investigators from the National Board of Fire Underwriters provided assistance to the State Fire Marshal.

In 1955, the National Board of Fire Underwriters Fire Code was recommended to the General Assembly for adoption. It was never brought out of committee. This inaction led to the passage of H.B. 560 in 1953. (Title 16, Chapter 4, 405 – 407) which created the five-member State Fire Prevention Commission to assist the State Fire Marshal in preparing items of this type for future legislation and to approve the operating budget for the Office.

During fiscal year 1958, the State experienced four large-loss-industrial fires which influenced passage of Title 16, Chapter 66, & 6601 – 6608 in 1959. The legislation revised the State Fire Prevention Commission from 5 members to 6 members. It authorized the Commission to promulgate, amend, and repeal regulations for the safeguarding of life and property from the hazards of fire and explosion, thus removing this function from legislative action by the General Assembly up until then had been unsuccessful.

Other functions of the Commission authorized by the revised legislation included appointment of the State Fire Marshal for terms of four years, authority to hold public hearings, power to issue subpoenas and hear appeals. Prior to the revised legislation, the Governor appointed the State Fire Marshal, appeals were heard in Superior Court and any fire prevention codes required legislative action.

The need for training for the state's volunteer fire service surfaced as a major concern in the early 1960's. Availability of training was limited to one annual fire school sponsored by the Delaware Volunteer Firemen's Association and a limited number of evening classes provided by the State Department of Vocational Education. These combined efforts reached only a small number of the firefighters who needed training. The need to establish a State Fire School became the major legislative issue for the volunteer fire service.

In 1964 the Fire School bill was passed. Once again, the jurisdiction for this fire service institution was placed under the jurisdiction of the State Fire Prevention Commission, Title 16, Chapter 66, 6613 – 6618.

Commission authority includes appointment of the Director and other employees as may be recommended by the Director, the establishment of admission fees and other fees that it may deem necessary for the training given and the Fire School may "undertake any project and engage in any activity which in the opinion of the Fire Prevention Commission will serve to protect the public safety."

During this same period of time, the volunteer fire service recognized the need to regulate the formation of new fire companies to assure that adequate fire protection was available to the citizens of Delaware and that a proliferation of volunteer fire companies at every crossroad did not occur. Once again, with the support of the volunteer fire service, this regulatory authority was legislated to the State Fire Prevention Commission. (Title 16, Chapter 66, 6619). This authority was later expanded in 1982 to include authorization of substations; an ability to hear and resolve boundary and other disputes; and an ability to prohibit cessation of necessary fire protection services.

In the early seventies, a federal focus on highway safety emphasized the need for training and certification of emergency medical service personnel within the States. State regulation of ambulance personnel was a requirement imposed by the Federal Government for states to receive highway safety funds. Initial draft legislation named the Department of Health as the regulatory agency. The volunteer fire companies strongly opposed the provision and recommended that the State Fire Prevention Commission be named as the regulatory agency. The volunteer fire service felt that the members of the Commission were more in tune with the problems and concerns involved in the delivery of emergency medical services than any other agency within state government. Once again, the volunteer fire service was successful in having the Commission assume that responsibility on its behalf. On July 1, 1972, the Ambulance Service Regulations, promulgated by the State Fire Prevention Commission became effective and Delaware became one of the first states, if not the first, to have statewide ambulance service regulations.

In 1970, the State of Delaware changed from the Commission form of government to a cabinet form. The only agency to be retained as a Commission with full powers, responsibilities and authority granted to it by legislation over a period of fifteen years was the State Fire Prevention Commission. The strong working relationship that existed between the volunteer fire service and the Commission was the primary reason that the Commission was not included in the reorganization.

Today, forty-four years after the reorganization and over sixty-five years after its creation, the State Fire Prevention Commission continues to provide a cabinet-level function as a state fire prevention body governing fire prevention within State Government with oversight over the State Fire School and State Fire Marshal and a strong working relationship with the volunteer fire service of Delaware.

The Fire Prevention Commission has existed and functioned for over sixty-seven years and has addressed and alleviated the problems, conditions and/or situations as outlined below:

- It was created as an advisory group to assist the Fire Marshal in carrying out his duties and to approve a budget for operation of the office;**
- Its powers were expanded to include the promulgation of regulations, the appointment of the State Fire Marshal and the authority to hear appeals;**
- Regulations can be promulgated throughout the year without the need for legislative action. They can be amended and repealed in a like manner;**
- Appointment of the Fire Marshal by the Commission provides more stability for the office since the appointment is not affected by changes in the Governorship. Six Fire Marshals have been appointed for the period 1959 – 2022;**
- The authority for the Commission to hear appeals alleviates an overloaded Superior Court system of this responsibility.**
- It was given jurisdiction over the Delaware State Fire School with the authority to appoint the Director.**
- Appointment of the Director by the Commission provides more stability for the school since the appointment is not affected by change in the Governorship. The first of five Director's was appointed in November 1964.**
- Training program attendance has increased from a total of 450 in FY 1965 to 78,674 in FY 2008.**
- Its authority to approve new fire companies and substations provides adequate fire protection services throughout the state with 60 volunteer fire companies operating a total of 60 stations and 19 substations.**
- Its authority to regulate the predominately volunteer ambulance service has successfully maintained a reasonable number of certified EMT-B's available for service and provided consistency over regulation.**

- Its authority to approve new fire companies and substations, resolve boundaries and other disputes, to prohibit cessation of services has been exercised on numerous occasions. Boundary disputes have been resolved. Cessation of services has been prevented. Several substations have been approved. Boundaries for all fire companies have been designated.
- Liaison with the volunteer fire companies continues in a strong and positive fashion. The Commission's ability to understand the problems and concerns the volunteer fire companies face every day and its ability to be responsible to those problems and concerns is a major contributing factor towards maintaining an effective and efficient volunteer fire, rescue and ambulance service.
- The Commission added an Investigator to the agency in May 2014. This position was established to conduct investigations involving Delaware EMTs and ambulance companies. The position conducts ambulance inspections of over 250 ambulances' statewide annually.
- The Commission was approved by the DELJIS Board in 2014 to begin receiving arrest notifications for all Delaware certified EMTs.
- The Commission added an additional Investigator to their staff in 2022. The Commission established a Compliance Division to conduct compliance statewide with regard to inspections and investigations involving EMTs, ambulance companies and units, as well as educational facilities.

Section 1-B. What are the main functions of this entity? Does this entity issue any advisory or policy opinions? If so, where can they be found?

- The Commission has the power to promulgate, amend and real regulations for the safeguarding of life and property from the hazards of fire and explosion.
- The Commission is authorized to issue permits or licenses according to the provisions and schedules in § 6607 of Title 66.
- The Commission appoints the State Fire Marshal and authorizes the Fire Marshal to appoint personnel pursuant to Merit System.
- Authorize fees for the plan review process.
- The Commission has the power to hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, or refusal made by the Office of State Fire Marshal. The SFPC has the power to hear and decide requests for special exception or authorize a variance under the appeal process.
- The Commission appoints the Fire School Director.
- They shall have complete jurisdiction and management over the State Fire School and the Office of State Fire Marshal.
- The Commission shall have power to authorize new fire companies or substations; resolve boundary and other disputes; prohibit cessation of necessary fire protection services.

- **The Commission is empowered to enforce its orders in the court of Chancery.**
- **The Commission routinely hears disputes over potential misconduct by EMTs.**
- **The Commission provides routine ambulance inspections.**

Section 1-C. What condition(s), situation(s), and/or problem(s) existed prior to the creation of this entity that directly led to its creation? Please provide specific examples.

The Delaware Fire Prevention Commission was established in 1953 was established through a recommendation by the National Board of Fire Underwriters that were working with the Office of State Fire Marshal. In 1953 the Fire Commission was recommended due to a high level of arson cases as well as increased responsibilities in 1959 due to numerous large-loss industrial fires. Further authority was granted to the Commission to promulgate, amend, and repeal regulations for the safeguarding of life and property from the hazards of fire and explosion.

Section 1-D. To what extent has the existence and functioning of this entity alleviated each of these condition(s), situation(s), and/or problem(s)? Please provide specific examples.

The existence of the Office of State Fire Marshal and the Fire Commission created regulations and oversight to safeguard life and property from the hazards of fire and explosion.

Section 1-E. Would the condition(s), situation(s), and/or problem(s) described in question “1-C” above recur or worsen, in the absence of the entity?

Without the regulatory oversight of the Fire Prevention Commission there are numerous areas that would be impacted such as the certification of Delaware EMTs, Ambulance Licensing, Ambulance Permitting, Fire Company Audit Review, Building Codes, Fire, EMS and First Responder Education, Industrial Education, Fire Company Boundaries as well as other areas regulated by the agency.

Section 1-F. Are there any recent condition(s), situation(s), and/or problem(s) that further justify the need for the entity’s existence?

The most recent concern that further justifies the need for the Fire Prevention Commission are the number and type of cases that are received by the agency. These cases have been shared with redacted personal information to all of the legislators upon request during the legislative process of House Bill 193 that was submitted in 2021 by the Delaware Volunteer Firefighters Association. The Commission updated and developed a formal compliance and investigative process in 2014. This process has brought to light the need of regulatory oversight of the EMS and Fire Service.

With regard to certification, the Commission certifies EMTs, but does nothing with regard to volunteer firefighters. There is nothing in the statute about firefighter certification, but the Commission is supposed to oversee the fire service. Firefighters in Delaware should be certified to some level and be required to maintain training through CEUs, similar to EMTs. Perhaps it is time to set requirements for firefighters through courses designed by the State Fire School.

Section 1-G. Are there any functions of this entity that are outdated and no longer needed? If so, please explain and provide examples.

There are not any functions that are outdated and no longer needed.

SECTION 2: MISSION, GOALS, OBJECTIVES, & AUTHORITY

Section 2-A. What is the mission of this entity? Does the enabling legislation accurately reflect the mission?

The State Fire Prevention Commission is charged with the protection of life and property from fire for the people of Delaware and to oversee the operation of the Delaware State Fire Marshal's Office, the Delaware State Fire School, and the Basic Life Support (BLS) system in Delaware.

Section 2-B. Please identify and explain the entity's goals and objectives, in order of priority.

- Promulgate, amend and repeal regulations for the safeguarding of life and property from the hazards of fire and explosion.
- Authorize to issue permits or licenses according to the provisions of Title 16, Chapter 66 and 67.
- Educate and certify Delaware EMTs
- Educate first responders and firefighters.
- Investigate complaints and arrest notifications per regulations.
- Appoint State Fire Marshal and State Fire School Director.
- Authorize fees for the plan review process.
- Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, or refusal made by the Office of State Fire Marshal. The Commission has the power to hear and decide requests for special exception or authorize a variance under the appeal process.
- Authorize new fire companies or substations; resolve boundary and other disputes; prohibit cessation of necessary fire protection services.

Section 2-C. Please describe the internal performance evaluation system that the entity uses to measure the attainment of its goals and objectives.

The Commission meets monthly and receives verbal and written reports from their Compliance Division, State Fire Marshal, Fire School Director, BLS Medical Director, Deputy Attorney General, and their Executive Director. The Commission's Executive Director submits weekly reports to Commissioners informing them of everything that has transpired in the agency for the week and what is anticipated coming in the future.

Section 2-D. Does the entity collect any data sets? If so, please identify and explain.

We do not collect any data sets.

Section 2-E. Does the entity conduct any research? If so, please explain and provide the location of research reports (if produced).

We do not conduct any research.

Section 2-F. Has the State Auditor or any other external organization recently audited and/or evaluated the entity or any of its programs? Please identify some of the major conclusions and/or recommendations. Provide links to all reports.

The Fire Prevention Commission has not recently been audited or evaluated by the State Auditor or any entity.

Section 2-G. In general, how do other states carry out similar functions?

Each state carries out the functions of the State Fire Prevention Commission differently. The Commission is tasked with licensing, certification, education, investigation, compliance, audit review, etc. No other state functions with all of these requirements under one board, agency, or commission.

Section 2-H. Are the entity's functions similar or overlapping of other state or federal entities? If so, discuss how the entity coordinates its services with other state or federal bodies sharing similar objectives. Please explain why the functions are best placed within this entity or why they should be placed elsewhere.

The agencies functions are not similar or overlapping with other state or federal entities.

SECTION 3: ACCOMPLISHMENTS

Section 3-A. List and briefly explain the entity's most significant accomplishments.

- The Fire Commission established a minimum requirement for mandatory submission of financial audits by volunteer fire and ambulance companies in accordance with the provisions of 16 Del.C. §6622.
- The Fire Commission created a Compliance Division to include two Investigator II positions. These individuals annually inspect over 250 ambulance units, ambulance company locations, conduct investigations pertaining to EMTs, and work with committees pertaining to BLS Protocols, etc. on behalf of the Commission.
- The Fire Commission is actively working on the creation of a Behavioral Health Program for First Responders. This includes working with outside entities to create a safe environment for first responders to seek assistance for behavioral health needs that they may be encountering. First Responders experience a great deal of on-going traumatic responsibilities as part of their job requirements. This can create a post traumatic stress that may lead to negative life experiences. The Commission believes they are the right entity for the individuals to contact as a central source of information and guidance.

- In 2022, the Commission was granted the ability to contract with an outside source for Mental Health and Addiction support to EMTs through House Bill 82. When funding is made available, the Commission will contract with Delaware Professional Health Monitoring Program (DPHMP). The DPHMP will provide an evaluation and treatment plan if needed. This will be a source available by the Commission for EMTs that come before them during a hearing process due to action against their certification. This will be separate from the previously mentioned Behavioral Health Program. That program will be for those that voluntarily communicate a need for assistance. The Commission has been made aware of the need for this type of support since the onset of the compliance program in 2014.

SECTION 4: CHALLENGES

Section 4-A. List and briefly explain 3 to 4 challenges the entity is currently facing.

- The Commission has been tasked with collecting and reviewing audit reviews for sixty-three volunteer fire and ambulance companies statewide annually since 2008. The Commission did not receive any funding to support this requirement. An Audit Compliance Committee was created in 2008 with three members. These individuals review each audit submission and report to the Commission their findings. It has been increasingly difficult to locate members for the committee and it is now down to two members, and we have not been able to locate a replacement for the third person in the past two years. The Commission has requested that the Auditors Office review the audits and they've stated they do not have the staffing to support the effort. The Commission has unsuccessfully requested funding to pay a CPA Firm to review the audits and report findings to the commission.
- The Commission has a noticed need of support for the behavioral health of our First Responders. Funding will be needed to properly support this program. Delaware needs a safe place for a firefighter fire police or EMT to call if they are suffering from traumatic experiences they've encountered while volunteering or through employment. Most that are suffering don't feel that there is anyone or any place that they can seek help without retribution. Delaware needs a safe place for these individuals to reach out for resources and a trained provider that offers support, resources, and guidance for next steps. Since 2014, the Commission has received complaints and arrest notifications for individuals that we've learned ultimately suffer from the traumatic effects of saving others. This is seen in cases that come before us that involve domestic violence, substance abuse, etc. The effects of this type of career aren't new and they've suffered silently for too long. The Commission would like to become the bridge to voluntarily requesting assistance in their times of need.

SECTION 5: OPPORTUNITIES FOR IMPROVEMENT

Section 5-A. List and briefly explain several opportunities for improvements. Please prioritize.

- Our agency has come far at a fast pace. We could not be prouder of our accomplishments and positive growth. The Commission is more than a regulatory agency, but a supporting guide to the Delaware fire service. Areas of improvement could include additional staffing to meet the needs that we are not currently able to fulfill due to our small staff. This would include a receptionist to greet and direct the public and visitors, a BLS Administrator to support the Commission in the area pertaining to the EMT Service, Fire Administrator to support the Commission in the area pertaining to fire service needs, and a Behavioral Health support staff member.
- Grant the Commission statutory authority to develop a team to review firefighter injuries. This would give them the needed information to then develop training, education, and support to the fire service, so those types of injuries don't continue.
- Grant the Commission statutory authority to develop firefighter certification standards. There are currently no standards required in Delaware.

Section 5-B. In the past 5 years, has the entity recommended any changes to the Legislature, Governor's Office, or other State agency to improve the entity's operations? If so, please explain and provide the outcome or current status?

- House Bill 82 was signed by Governor Carney in 2021. This bill cleaned up language in Title 16 regarding appointments and other areas. It created an Executive Director as well as granted the Commission the approval to contract with an outside source to offer substance and mental health assistance to EMTs that come before the commission due to a certification violation.
- House Bill 193 was submitted by the Delaware Volunteer Firefighters Association in 2021. The bill was placed on hold in 2021 for further input from the Delaware fire service. The bill was resubmitted in 2022 and has passed the House and currently sits in a Senate committee. It is our understanding that there are three fire departments that do not want this bill to become law. The legislators that support the constituents of those departments have opposed the bill.

SECTION 6: COMPOSITION & STAFFING

Membership:

Section 6-A. How is entity membership defined? Please explain and provide the section(s). Examples include statute, regulations, or by-laws.

The Fire Prevention Commission appointment and qualifications are in Del.C. 16 §6602.

§ 6602. State Fire Prevention Commission — Appointment; qualifications; cause for removal; term of office; members to serve without compensation.

(a) The State Fire Prevention Commission shall consist of 7 commissioners as follows: 3 representatives of business and industry to include one from each county to be appointed by the Governor; 3 Delaware volunteer firefighters to include one from each county to be appointed by the Governor; and the immediate past president of the Delaware Volunteer Firefighters' Association.

(b) The Firefighter Commissioners shall be recommended to the Governor by each Delaware Volunteer Firefighters' Association County President of the county in which the expired term or vacancy exists within 60 days prior to the expiration of a Commissioner's term or within 30 days following a vacancy. Each recommendation shall include 3 nominees and any and all necessary information required by the Governor regarding the nominee's qualifications to serve as a Commissioner.

(c) Business and industry Commissioners shall have knowledge in the areas of the Commission's jurisdiction and be employed within an industry regulated by or under the authority of the Commissioner.

(d) Commissioners may be removed by the Governor for continued neglect of the duties required by this chapter, or for refusal to act, misconduct, incompetency, or other sufficient cause. Missing 3 consecutive meetings shall presumptively be neglect of duty for purposes of this section.

(e) Commissioners shall be appointed to serve 4-year terms and shall not serve more than 3 terms to ensure that the terms of no more than 2 Commissioners expire in 1 year.

(f) Commissioners shall serve without compensation but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties.

(g) No Commissioner, while serving on the State Fire Prevention Commission, shall be an officer of any kind (president/chairperson, president-elect, vice president, secretary, board of directors, or treasurer) of any state or county volunteer firemen's association, including but not limited to, the Delaware Volunteer Firefighter's Association, or any professional board, commission, or trade association, or union representing an industry or service regulated by the State Fire Prevention Commission. No Commissioner shall hold a politically elected or appointed position.

16 Del. C. 1953, § 6601; 49 Del. Laws, c. 335; 52 Del. Laws, c. 5, § 1; 63 Del. Laws, c. 381, § 1; 70 Del. Laws, c. 186, § 1; 77 Del. Laws, c. 444, § 4; 83 Del. Laws, c. 143, § 1;

Section 6-B. Are there special qualifications for membership?

The special qualifications for appointment are listed in Del.C. 16 §6602 as stated above. There are two Commissioners from each County. One is appointed as a volunteer firefighter, and one is an industrial representative. The seventh commissioner is the immediate past president of the Delaware Volunteer firefighters' Association.

Section 6-C. Who has member appointment authority? Where is this defined?

The only person that has member appointment authority is the Governor of Delaware. This is defined in Del.C. 16 §6602.

Section 6-D. What is the designated term of office for entity members? Where is this defined?

The term of office is a 4-year terms and shall not serve more than 3 terms to ensure that the terms of no more than C Commissioners expire in 1 year. This is defined in Del.C. 16 §6602.

Section 6-E. How many members currently serve on this entity? Are there any vacancies? If so, indicate the length of time each vacancy has existed and the reasons why. Has the entity or support staff advised the Governor's Office or appointing authority of the vacancies?

There are currently seven members appointed on the seven-member commission. There are not any vacancies.

Section 6-F. Can this entity create subcommittees or task forces? If “yes” please address the following questions:

- 1. Describe the process and site the entity document (statute, regulations, or by-laws) that permits this.**

The Commission does not have a statute, regulation, or by-law that states they are authorized to create a subcommittee or task force.

- 2. Provide a brief history on how many have been created in the past 5 years and indicate where meeting documents can be found. N/A**
- 3. If final reports were issued, please provide their location. N/A**
- 4. If there are current subcommittees or task forces currently meeting and conducting business; include information on membership, duties, and where meeting documents can be found. N/A**

Section 6-G. Include a current membership roster with this Self-Report. This is a separate request from the list of supporting documents included in the Self-Report instructions. This current membership roster must indicate the following for each member:

- **First and last name, and their city and state of residence.**
- **Position held (i.e., Chair, President, Co-Chair, Secretary, etc.).**
- **Professional or public member.**
- **Their profession or occupation.**
- **Original appointment date, expiration date, and number of terms served.**

To satisfy this current membership roster request, please complete one of the following:

- **Complete the included table below.**
- **Delete the included table below, build a new table, and place in this section.**
- **Delete the included table below and attach a document to the Self-Report and label in the appendices section.**

Member’s Name and City and State of residence.	Position Held	Professional or Public Member	Profession or Occupation	Original Appointment Date	Appointment Expiration Date	Number of Terms Served
Ronald H. Marvel Seaford, DE	Chairperson	Professional	Firefighter	October 2012	March 2027	2
Alan Robinson, Jr. Smyrna, DE	Vice Chairperson	Professional	Firefighter	October 2010	April 2023	2
Bill Betts Frederica, DE	Commissioner	Professional	Past DVFA President	September 2019	September 2022	2
Richard Perillo	Commissioner	Professional	Firefighter	July 2020	July 2026	1

Wilmington, DE						
William Kelly Clayton, DE	Commissioner	Professional	Industry – Refinery	March 2019	March 2025	1
Lynn Truitt Lewes, DE	Commissioner	Professional	Industry – Nurse	November 2014	March 2027	2
Joseph J. Leonetti, Sr. Wilmington, DE	Commissioner	Professional	Industry – Sr. Director of Operations St. Francis Hospital	December 2018	April 2023	1

Meeting Frequency:

Section 6-H. How frequent are meetings held? Is meeting frequency defined anywhere such as the statute or by-laws? If so, provide document name and section information.

The Commission meets once per month. The meeting frequency is defined in 16 Del.C. §6603.

Section 6-I. Can the entity hold special or emergency meetings? If so, describe the protocol involved in requesting and holding a special or emergency meeting.

The Commission can hold a special or emergency meetings as defined in 16 Del.C. §6603. The Commission follows the APA requirements to schedule all of their meetings.

Meeting Order and Quorum:

Section 6-J. For meeting order, does the entity follow Mason’s Manual of Legislative Procedure or Roberts’ Rules of Order? Is this defined in statute, regulation, or by-laws?

The Commission does not have a defined legislative procedure outlined in statute or regulation.

Section 6-K. How is meeting quorum defined and where is the definition located?

The Commission is required to have a meeting quorum which shall be 4 Commissioners, 1 of which must be the Chairperson or Vice Chairperson. This is located in 16 Del.C. §6603

Member Removal:

Section 6-L. Is there a mechanism for member removal? If so, how are members removed and who has the authority to remove a member? Using the process described, has there ever been an instance of member removal, and if so, briefly describe the nature of events that led to the member removal.

16 Del.C. §6602(d) allows the Governor to remove a commissioner for continued neglect of the duties required in their defining code, refusal to act, misconduct, incompetency, or other sufficient cause. Missing 3 consecutive meetings shall presumptively be neglect of duty for purposes of the code.

Commissioner Tom Dicristofaro was appointed as a Director of the DVFA during his first appointment of the Fire Prevention Commission. His DVFA appointment was considered a conflict of interest and he was asked to choose between the two appointments. He chose to step down from the Fire Prevention Commission and remain on the Board of Directors for the DVFA.

Member Compensation:

Section 6-M. Are members compensated? If so, how are they compensated?

The Commissioners serve without compensation.

Member Training and Handling Conflicts of Interest:

Section 6-N. Are members offered any special training opportunities? Is training required or voluntary?

The Commissioners are not offered any special training during their appointment, nor is training required.

Section 6-O. Has a Deputy Attorney General (“DAG”) reviewed the provisions of the Public Integrity Act with entity members to ensure that they are in compliance with the provisions in the law? If so, what is the frequency of this review?

Our Deputy Attorney General attends all meetings of the Fire Prevention Commission and provides guidance. The DAG does not regularly review the Public Integrity Act with the Commission, but the provisions of the act have been reviewed. The Public Integrity Commission has been contacted historically whenever the Commission wanted to verify that there were no conflict of interests involved within the agencies.

Section 6-P. Please explain how entity members avoid conflicts of interest.

The members avoid conflicts of interest by following the guidelines set forth in Title 16 addressing the Fire Commission.

Section 6-Q. Has the Public Integrity Commission (“PIC”) provided training or clarification to members or issued any advisory opinions on entity activities? If so, please explain the details. Provide a link to the information or attach relevant information to this report.

The Public Integrity Commission was involved with providing training to the Fire Prevention Commission years ago. Janet Wright, Esquire came to the Commission and provided some resources during a day long training.

June 26, 2006 the Commission requested an opinion with regard to a Commissioner continuing to work as an instructor at the Fire School after his appointment to the Fire Commission. This was Advisory Op. No. 06-19 – Waiver Request – Dual Government Jobs.

Support Staff:

Section 6-R. Is there dedicated support staff *directly* assisting the entity? If so, what state agency, department, or office supplies the support staff?

- **If this question is applicable answer all questions in this section.**
- **If not applicable, state that no support staff exists for question Section 6-R and explain how duties are divided among members, skip to questions Section 6-Y and Section 6-Z below.**

Section 6-S. How many employees are employed by the state agency or department supplying support staff? (skip if not applicable)

There are five employees working for the State Fire Prevention Commission as support staff.

Section 6-T. Does the state agency or department supplying support staff offer internships? If so, do interns provide support services to the entity? (skip if not applicable)

The State Fire Prevention Commission does not offer internships.

Section 6-U. What is the size of the support staff *directly* assisting the entity? How many are merit, appointed, exempt, temporary, casual seasonal, or contract employees? For contract employees indicate who holds the employment contract. Highlight support staff responsibilities, indicate who performs each and the percent of staff time spent on each responsibility. (skip if not applicable)

There are four merit employees and one exempt employee that work as support staff to the Fire Prevention Commission.

Section 6-V. Who supervises the support staff *directly* assisting the entity? (skip if not applicable)

The Executive Director supervises the support staff.

Section 6-W. How is the support staff *directly* assisting the entity recruited and hired? Is there an orientation session for new hires? (skip if not applicable)

The support staff are hired through the State of Delaware Human Resource guidelines.

Section 6-X. What training opportunities are available to support staff *directly* assisting the entity? (skip if not applicable)

Training opportunities are available to support staff as they are offered by the Department of Human Resources that pertain to the agency's responsibilities.

Section 6-Y. Is the effectiveness of the entity hindered by a lack of staff assistance or dedicated support staff? Please explain. What steps, if any, have been taken to address any staffing issues? (all entities under review answer this question)

The effectiveness of the entity is hindered by a lack of support staff. The current staff work diligently and are dedicated to going over and beyond to meet the needs of the agency. There are some areas of need that are not met due to lack of staffing.

There is a need for a dedicated Administrative Specialist to cover the main entrance of the building to act as the receptionist and meet the request made by visitors to the agency.

As spoken earlier in this report, it would also benefit the agency to have a dedicated position to oversee the First Responders Behavioral Health program that is currently being developed. This person will be the support and resource coordinator statewide for behavioral health needs of First Responders.

Section 6-Z. Please identify, list, and briefly describe any executive orders, interagency agreements, management directives, administrative circulars, or like documents that directly impact the functioning of the entity. (all entities under review answer this question)

The Fire Prevention Commission does not have any current executive orders or other documents that directly impact the functioning of the agency.

SECTION 7: FREEDOM OF INFORMATION ACT (“FOIA”) & OPEN MEETING LAW COMPLIANCE

Section 7-A. How does the entity respond to FOIA requests?

The agency has an assigned FOIA coordinator with a policy that is followed in each request. Each request is provided to the agency Deputy Attorney General for review prior to release. The FOIA coordinator attends annual training provided by the Attorney General’s Office.

Section 7-B. When and where are the meeting notices and agendas posted?

The meeting notices and agendas are posted on the public meeting calendar provided by the State. All meeting notices are posted one year in advance of the meeting on the public meeting calendar. Agendas are posted seven days prior to the meeting as required on the public meeting calendar.

Section 7-C. Are meeting minutes regularly transcribed? When and where can the public obtain copies of meeting minutes?

Meeting minutes are regularly transcribed after every meeting. The meeting minutes are made public on the public meeting calendar within 24 hours of approval from the Fire Prevention Commission as the final approved minutes.

Section 7-D. Are meetings recorded? If so, indicate whether it’s an audio or video recording and is the recording posted online for the public? If the recordings are not posted online, are instructions provided to the public on how to request recordings?

The meetings are audio recorded for the purpose of producing minutes of the meeting. At the onset of the Covid-19 pandemic meetings became virtual due to the nature of the pandemic and inability to meet in person for meetings. The agency originally began using WebEx to provide access to the meetings and moved to Teams when the state informed us that WebEx access was being removed statewide. These recordings are used for the purpose of producing minutes of the meeting. They have not been posted online for the public to view online, nor have instructions been provided to the public on how to request the recordings. We have provided recorded meetings through the FOIA process.

Section 7-E. Within the past 3 calendar years, has the entity conducted executive sessions or other closed meetings? If yes, please indicate the date of each and the nature of the meeting. Are minutes of executive sessions or other closed meetings available to the public?

There were three executive sessions conducted in the last three calendar years. Minutes of the executive sessions are handwritten, and these are not made available to the public. These minutes are kept in a dated, sealed, and signed envelope by the Executive Director of the agency. The sealed portion of the envelope is signed and sealed with tape over the signature.

June 15, 2021- Executive Session was held to discuss potential litigation.

September 21, 2021 - Executive Session was held to discuss a personnel matter related to a harassment charge of a casual seasonal employee of the Delaware State Fire School.

October 19, 2021 - Executive Session was held to discuss the follow up of a personnel matter related to a harassment charge of a casual seasonal employee of the Delaware State Fire School.

Section 7-F. Has the entity ever received any complaints that it was violating FOIA? If so, please list and include the result of the hearing or the review.

The agency has never received a complaint that we were violating FOIA.

SECTION 8: ADMINISTRATIVE PROCEDURES ACT COMPLIANCE

Section 8-A. Does the entity promulgate rules or regulations in accordance with the Administrative Procedures Act?

Yes

Section 8-B. Has a DAG assigned to this entity reviewed the current rules and regulations for compliance with the governing statute?

Yes

Section 8-C. Is the entity considering any changes to its current rules and regulations? If "yes" please address the following questions: No, not at this time. Regulations are reviewed annually to determine if there is a need for updates.

- 1. What is the status and nature of the planned changes? N/A**
- 2. Have the proposed changes been reviewed and approved by the entity's Deputy Attorney General? N/A**
- 3. Have the proposed changes and the public hearing date been published in the Register of Regulations? N/A**

SECTION 9: COMPLAINT AND DISCIPLINARY PROCESS

Section 9-A. Please describe in detail the complaint process utilized to resolve disputes between the entity and the public, including how complaints are filed, who investigates complaints, and how long investigations proceed.

INVESTIGATIONS

Intake Procedure – Complaint.	6-2
Public/Citizen Complaint.....	6-2
Fire Company/Company Member Complaint.....	6-3
EMT Complaints.....	6-6
Complaint and Investigations Guidelines	6-8

INTAKE PROCEDURE FOR A COMPLAINT

Complaint received primarily by Investigator with backup from the Executive Assistant and Administrative Specialist II. Complaint received in writing by email or form from website.

Investigator conducts the initial review of the allegations. The prosecuting Deputy Attorney General will be included in the review.

The Investigator and prosecuting Deputy Attorney General will make a determination if the complaint will be forwarded to:

Investigator/prosecuting Deputy Attorney General for further investigation.

Office of EMS (BLS Medical Director) – Medical Concerns

PUBLIC/CITIZEN COMPLAINT

709 Fire Service Standards

3.0 Public Complaints

3.1 Any individual, group, organization, association, corporation, government agency or other governmental unit (hereinafter referred to as complainant) having a dispute or complaint, must present such complaint or dispute in writing to the company's President, Chief, or Board of Directors. A copy of this complaint shall be forwarded to the Commission within 10 days.

3.2 If the matter cannot be resolved on the company level within 60 days after such presentation, then the complainant may request that the Commission review the matter by submitting the complaint to the Commission setting forth in writing, on a form that may be secured from the Commission, the facts requiring the Commission's review.

3.3 If the Commission determines that the review of the complaint is warranted, then the Chairman shall set the matter for an informal fact-finding or public hearing within 45 days from the date of the complaint's receipt. All such hearings shall conform insofar as is practicable to the methods and procedures set in Subchapter III of the Administrative Procedures Act, **29Del.C. Ch. 101**. In any event, the Commission shall enter a decision or final order within 60 days from the conclusion of such hearing.

3.4 No member, or past member of a fire company may file a complaint under this Section concerning facts or circumstances which occurred during the period of his membership with a fire company and was related to the activities of such company. Members of fire companies are to seek the resolution of fire protection and ambulance disputes through the procedures established in section 4.0.

3.5 The Commission may, after 3.2, appoint from its members, a Commissioner to assist parties in arbitrating a grievance. All parties must request and agree to this step in writing. This is an option of the parties concerned. If agreements cannot be made, the process continues.

3.5.1 General Guidelines

3.5.1.1 This process will be with parties concerned only the President, Secretary or Chief and the grieving party may attend.

3.5.1.2 It will be informal, at a State Office Building

3.5.1.3 No record will be made, no notes, no tape recordings

3.5.1.4 Legal Counsel will not be permitted

3.5.1.5 If the problem in question is solved, a signed release withdrawing the grievance will complete this process

FIRE COMPANY/COMPANY MEMBER COMPLAINT

709 Fire Service Standards

4.0 Procedures Involving a Grievance Between:

4.1 A fire company member and/or members which impacts public safety

NOTE: For the purpose of this regulation, Ladies Auxiliaries, whether incorporated as part of a fire company or not, shall be considered fire company members and fall under this section of the regulation.

4.2 Two fire companies concerning an issue under the authority of the Fire Commission.

4.3 Two or more fire companies concerning boundary disputes.

4.3.1 Upon receipt of a grievance involving any of the grievances listed in Section 4.0, the following procedure shall be followed:

4.3.2 At its regularly scheduled meeting, the Commission shall review the grievance for the purpose of determining its merits. Grievances may be dismissed at this time by the Commission on its own motion if the Commission determines that the grievance lacks substance, merit or compliance with Section 4.0

4.3.1 Copies of the grievance immediately sent to all parties involved accompanied by a letter from the Commission requesting immediate attention and attempts to resolve. Within 60 days receipt of letter, the following is required from each party:

4.3.3.1.1 A letter signed by the grievant or both the President and Chief of the grievant fire company AND both the President and Chief of the fire company involved, identifying that the grievance has been resolved.

OR

A letter identifying each party's position on the grievance along with either: (1) their acceptance of mediation as identified within 4.3.4.1 through 4.3.4.4 or (2) their desire to skip this section, immediately moving to subsection 4.3.5.

NOTE: Considering the time and resources which stand to be spent in mediation, the intent of this subsection is to require "Up Front" acknowledgment and acceptance of the mediation process by both parties.

4.3.3.2 Commission's letter will also clearly identify the potential consequences involved as a result of the grievance, specifically emphasizing the responsibilities and potential consequences to those presenting the grievance.

4.3.3.3 Commission shall take whatever actions may be practical during the 60 day time period for the purpose of fact finding or investigating the grievance in order to further substantiate validity.

4.3.4 A four member mediation team consisting of two from the originating county and one from each other county shall be immediately assigned from the Delaware Volunteer Firemen's

Association (DVFA) mediation group. Within 60 days of assignment, this team shall be responsible for meeting with all parties for the purpose of mediating a settlement to the grievance. The following procedures shall apply to meetings of all parties:

4.3.4.1 All proceedings are to be informal with representation limited to a maximum of three individuals, not including witnesses, representing the grievant and three fire company members.

4.3.4.2 No legal representation is to be present.

4.3.4.3 Notes are permissible and may be referenced to form future opinions. Summaries of each mediation meeting including facts provided and major points presented shall be required to be submitted to the Commission at the conclusion of the mediation process if mediation efforts are unsuccessful.

4.3.4.4 Proceedings shall be documented as to the date, time, those in attendance and the facts as presented to the mediation team.

NOTE: As identified in Section 4.3.3 failure by any party to agree to all elements of this mediation process shall result in by-passing Section 4.3.4 and moving directly to 4.3.5

There are three possible outcomes from the above mediation process:

4.3.4.4.1 Mediation efforts are successful which requires a single written document identifying all facts of the agreement and signed by the grievant or both the President and Chief of the grievant fire company AND both the President and Chief of the fire company involved.

4.3.4.4.2 Mediation efforts are unsuccessful with the recommendations provided to the Commission by the mediation team based on the facts identified during hearing(s)

4.3.4.4.3 Mediation efforts are unsuccessful with no recommendations provided by the mediation team.

4.3.5 If the grievance cannot be resolved through the mediation process outlined in Section 4.3.4, the Commission shall schedule, at its next available regularly scheduled meeting, a review of the grievance through either.

4.3.5.1 An informal fact-finding hearing in which the facts developed in the course of applying Sections 4.3.3 and 4.3.4 are considered

OR

4.3.5.2 A formal hearing at which time previously developed facts as well as direct testimony and evidence will be considered.

4.4.1 The Commission may grant extensions of time to the mediation team from the time limits established in Sections 4.3.3 and 4.3.4 if the circumstances warrant no prejudice results to the parties involved.

4.5.1 The Commission may waive the procedures set forth in Sections 4.0 whenever it determines that public safety or the good of the fire service is in jeopardy. Whenever such a determination is made, the Commission shall issue a written statement identifying the reasons for its action. Once this action has been taken, the Commission shall take whatever actions it deems necessary, consistent with its statutory authority.

4.5 Waivers

4.5.1 The Commission may waive the procedures set forth in Sections 4.0 whenever it determines that public safety or the good of the fire service is in jeopardy. Whenever such a determination is made, the Commission shall issue a written statement identifying the reasons for its action. Once this action has been taken, the Commission shall take whatever actions it deems necessary, consistent with its statutory authority.

5.0 Arbitration Team and Policy

5.1 An arbitration team shall be appointed by the evaluating Association and such team shall consist of three or more members.

5.2 All proceedings conducted by the arbitration team shall be documented with regard to date, time, and those in attendance.

5.3 All information obtained will be restricted to the Arbitration Team until such meetings have been concluded. The findings shall be forwarded to the Grieved parties and the State Fire Prevention Commission.

5.4 If assistance is needed by the County Association or the State association, the State Fire Prevention Commission may be contacted through the Commission Chairman to act upon the request.

5.5 At no time shall any Commissioner interfere with any arbitration.

EMT COMPLAINTS

710 Ambulance Service Regulations

14.4.3 The following procedure shall be followed for the investigation of complaints against EMTs:

14.4.3.1 Any person who desires to file a complaint against any EMT or Ambulance Service Provider must do so in writing to the Commission.

14.4.3.2 The complaint shall state the name of the EMT and sufficient facts as determined by the Commission which allegedly constitute the basis for the written complaint. If any of these elements are missing in the written complaint, the Commission may in its discretion, sua sponte dismiss the complaint.

14.4.3.3 The complaint shall be filed with the Commission. The Commission's designee shall within 15 days of the receipt of the complaint, fill out a complaint card, assign a complaint number and log the complaint in the Commission for a period of 5 years. The Commission shall also assign a designee to investigate the complaint after this procedure is complied with.

14.4.3.4 The Commission shall thereafter mail a copy of the complaint to the EMT or Ambulance Service Provider named in the complaint at the address of record in the Commission's files. The Commission may, in its discretion, withhold the name of the complainant. The named EMT or Ambulance Service Provider, if they choose, may file an answer to the complaint within 20 calendar days with the Commission.

14.4.3.5 The Commission shall suspend its investigation and withhold from the respondent reports of violations or misconduct if a request to do so is made in writing by the Delaware Department of Justice or a federal law enforcement authority due to the potential effects of such conduct on a pending criminal investigation. Such written request shall suspend any duty to investigate, advise the

complainant or respondent, or undertake any other duties that would interfere with the ability of law enforcement to investigate the allegations successful. The suspension shall remain in effect until the Delaware Department of Justice or federal law enforcement informs the Commission in writing that action by the Commission will not interfere with a pending law enforcement investigation.

14.4.3.6 The investigator assigned by the Commission shall direct the investigation of the complaint. The investigator shall issue a final report at the conclusion of the investigator's investigation. The report shall list the evidence reviewed, the witnesses interviewed and cite the law or regulation alleged to have been violated and the facts to support such finding. The report shall contain a written recommendation to either prosecute or dismiss the complaint approved by the Commission.

14.4.3.7 The Chair or Vice-Chair of the Commission may forward the complaint and written report to the Department of Justice for review by a Deputy Attorney General. If deemed warranted, the Deputy Attorney General may file a formal written complaint against the named EMT or Ambulance Service Provider with the Commission and request a hearing before the Commission. If the Deputy Attorney General assigned to the case recommends not to prosecute or otherwise not file a formal complaint, the Deputy Attorney General shall notify the Chair or Vice-Chair of the Commission in writing.

14.4.3.8 If the Deputy Attorney General Assigned to the case recommends dismissal or no prosecution, the Commission shall, thereafter, dismiss the complaint which shall constitute a final order. The Commission shall, thereafter, file a copy of the Attorney General's recommendation and an investigator's report for informational purposes only.

14.4.3.9 Nothing in this subsection shall prohibit a member of the public from filing a complaint directly with the Commission or an EMS Medical Director.

14.4.4 For the purpose of the public, health, safety and welfare, the Commission may impose after a hearing, any of the following sanctions against an EMT or Ambulance Service Provider for any violation of this Regulation:

14.4.4.1 Dismiss without prejudice;

14.4.4.2 Issue a letter of reprimand;

14.4.4.3 Place the EMT on probationary status with requirements for reporting to the Commission.

14.4.4.4 Suspend any EMT's Certification;

14.4.4.5 Permanently revoke any EMT's Certification;

14.4.4.6 Withdraw or reduce conditions of probation when the Commission finds that the deficiencies which required such action have been remedied.

COMPLAINT AND INVESTIGATIONS GUIDELINES

1 - INTAKE

1.1 All complaints against an EMT or Ambulance Provider must be in writing to the Commission.

1.2 Complaint must state name and contact information of the Complainant.

- Anonymous
Should not take anonymous complaints.

Should have at least contact information for legitimacy of complainant.

Can keep name anonymous until point of hearing.

(EX) The exception would be based on the severity of the case. i.e. Sex Crime, Serious public safety or patient care concern.

- 1.3 The Complainant shall state what their complaint is with the EMT or Ambulance provider involved by giving a narrative detailing the who, what, when, where, how and why as it pertains to their complaint.
- 1.4 The above information shall be submitted on a Delaware State Fire Prevention Complaint Form which can be found on the Delaware State Fire Prevention web site.
 - Interactive online complaint form for direct online submission to Fire Commission.
- 1.5 Persons making complaints by phone or walk in shall be directed to the Delaware State Fire Prevention web site to process a complaint.
 - Walk in or Phone in: If a complaint is received from a phone call or walk in, refer the person to the Fire Commission website to fill out and submit the form electronically.
 - If the person is without electronic ability, knowledge or internet accessibility, they can:
 - Use Fire Commission computer in the office to enter complaint
 - Submit a handwritten report (special exception)Exception: If the person making the complaint demonstrates they do not have the means or knowledge to submit the complaint by way of the web site. In those cases the complaint can be submitted in letter form.
- 1.6 Complaints shall be issued a complaint number and logged into the Commission's records
 - After Investigator has determined sufficient evidence of complaint, correspondence will be sent to the respondent, with a required response within 20 days.
- 1.7 If the Investigator determines that no evidence of the complaint, it will be sent to Commission for closure. A letter will be sent to the complainant stating why no investigation will be done.
- 1.8 Once the Investigator has determined that an investigation of the complaint is warranted, the investigator process will begin.

2 - INVESTIGATION

- 2.1 Once the investigator has received the complaint, the complaint shall be investigated in as timely a manner as work schedule will permit.
 - Availability of Attorney General
 - Availability of BLS Medical Director
 - Subpoena turnaround time – 20 days
- 2.2 Investigator will contact the complainant, respondent, and any witness to gather as much data as possible to substantiate or dismiss the validity of the complaint.

- 2.3 Investigator may subpoena any hard copy or electronic records, video, radio transmissions, patient care reports and personal testimony as needed to assist with the investigation.
- Availability of witnesses. (Schedule)
 - In lieu of Chairperson, the designee for Subpoena signature would be the Executive Assistant.
- 2.4 Investigator may secure items or documents into evidence as the investigation dictates.
- 2.5 At the conclusion of the investigation the investigator shall write a report documenting the finding of the investigation.
- 2.6 Stages of Investigation
- Incipient Stage
 - Interview Stage
 - Review Stage
 - Conclusion Stage

3 – REPORT

- 3.1 Investigator will write a report as to the facts found during the investigation. Report shall list the evidence reviewed, complainant, respondent, and witnesses interviewed, cite the law or regulation alleged to have been violated and facts that support such findings. Report shall contain the recommendation of the Investigator to the Commission, Attorney General assigned to prosecute the case, and BLS Medical Director as to going forward with the complaint to the Commission for action or to dismiss the complaint.
- 3.2 FOIA requests should be referred to Executive Assistant. Information on investigative reports should be referred to Investigator.

Section 9-B. What are some of the most common complaints received by the entity? Please identify where the complaints originate (i.e., public, media, Attorney General’s Office, consumer groups, etc.).

Delaware EMTs are required by regulation to self-report arrests to the Fire Prevention Commission.

- DUI/Substance Abuse – These complaints typically originate from arrest notifications that are generated through DELJIS.
- Domestic Violence – These complaints originate from arrest notifications that are generated through DELJIS.
- Failure to obtain proper refusal documentation. – These complaints may come from the public or concerned EMTs that have noticed lack of protocols being followed.

Section 9-C. Have any complaints been filed with the Attorney General’s Office? If so, have they been resolved?

No, complaints have not been filed through the Attorney General’s Office.

Section 9-D. Are there any Delaware Attorney General’s Opinions that affect the functioning of the entity? If so, please provide the date and number.

No

Section 9-E. Are there any recent judicial decisions (state or federal) that directly affect the functioning of the entity?

No

Section 9-F. What specific disciplinary actions were taken by the entity as a result of complaint investigations? (i.e., license revocation, license suspension, formal reprimand, penalty, etc.).

There have been disciplinary actions such as license revocation, license suspension, license probation, formal reprimand, remedial training, and consent agreements.

Section 9-G. Please describe in detail the process utilized for determining appropriate disciplinary actions taken against individuals licensed, employed, or monitored by the entity. Include the appeals process, if applicable.

Appropriate disciplinary actions are worked out by the Commissioners during the hearing process with input and direction by the agency Deputy Attorney General. Consent agreements are also presented to the Commission that don’t require a formal hearing process. The consent agreements are presented to the Commission during their regular monthly meeting, and they determine at that time if they will accept or reject the agreement. Per 16 Del.C. §6611 EMTs may appeal the final order of the State Fire Prevention Commission to the Superior Court within 30 days of service, or of the postmarked date of the copy of the decision mailed to the party aggrieved by the decision.

Section 9-H. If applicable, provide the following complaint data for calendar years 2019, 2020, 2021, 2022 (to date):

	Calendar Year 2018	Calendar Year 2019	Calendar Year 2020	Current Calendar Year 2021
Total Number of Complaints Received by the Entity	93	88	96	79
Total Number of Complaints Investigated	32	26	51	36
Total Number of Complaints Found Valid	32	26	51	36
Total Number of Complaints Forwarded to the Attorney General	21	19	15	10
Total Number of Complaints Resulting in Disciplinary Action	13	10	8	10

*Numerous complaints from the above years cannot be investigated by the commission because they do not have statutory authority to investigate them at this time. Therefore the validity of the complaint cannot be determined or verified without the authority or jurisdiction to perform a proper investigation.

SECTION 10: PRIOR JLOSC REVIEW

Section 10-A. Has JLOSC previously reviewed this entity? If so, provide the year(s) of review and list all JLOSC final recommendations, indicate whether the entity is complying or non-compliant with each recommendation, and explain all areas of non-compliance.

The Fire Prevention Commission was last reviewed by the JLOSC in 2009. The following recommendations were made:

**2009 Joint Sunset Committee Recommendations
PROGRESS REPORT
Delaware State Fire Prevention Commission,
Office of the State Fire Marshal and the Delaware State Fire School**

Action by the Delaware State Fire Prevention Commission and the Office of the State Fire Marshal

Recommendation B1: Work with Artesian, Tidewater and other water companies to amend the statute to allow a utility to correct or improve water supply quality or pressure situation in existing communities.

- a. The Public Service Commission and the Public Advocate be included in discussion/meetings on the issue of regulated utilities taking over private systems.**

September Response:

The State Fire Prevention Commission reviewed a proposed regulation change submitted at the August 18, 2009 Commission meeting by Artesian Water. The Joint Sunset Committee requested that all interested parties meet to develop an acceptable regulation.

A motion was made at the August, 2009 regular meeting to table the request until such time as all of the parties meet to discuss the proposed regulation as suggested by the Joint Sunset Committee. The Commission requested that Artesian arrange the meeting since they have now put forth a regulation for consideration. The Commission directed that the parties include representatives from the Public Service Commission, Public Health, the Public Advocate, Artesian Water, Tidewater, the State Fire Prevention Commission, and the Office of State Fire Marshal. The Commission designated Kenneth McMahon as its representative to attend the meeting. The Commission offered to make a conference room available at the Delaware State Fire School for the meeting if needed.

December Update:

The Fire Marshal provided Artesian with recommended changes to Artesian's proposed revisions to the Fire Prevention Regulations, along with his recommendation for additional language. The Fire Marshal reemphasized that the changes to the regulations as proposed are still unacceptable from the Fire Marshal's public protection perspective as there are other issues that need to be addressed such as adding a fire hydrant at the entrance.

No meeting was scheduled by Artesian as requested by the Commission; however, Tidewater, the Public Advocate, the Public Service Commission and the Office of Drinking Water appear to be in agreement with Artesian's proposal. However, since there was no meeting, the other parties are not aware of the Fire Marshal's concerns. The Fire Marshal has asked Artesian to review the recommended revision with the other interested parties. If they agree, the parties including the

Fire Marshal will present a joint proposal. If the parties cannot agree, Artesian can move forward with resubmitting its proposal to the Commission who will consider the appropriate action to be taken at a public hearing on the proposed change.

April 2010 Update:

Artesian presented a new proposal to the Public Service Commission, Public Advocate, Office of Drinking Water, Tidewater, Artesian and Office of the State Fire Marshal incorporating the changes requested by the Fire Marshal. The Fire Marshal signed off on the proposed regulatory changes. The Fire Marshal and Commission are not aware of the status as to whether the other parties are in agreement with the new proposal. No formal submission has been received by the Commission to start the regulatory hearing process. The Commission anticipates that a regulation change will be submitted which would address recommendations B1 and B2 by regulation without the need for a statutory change.

Recommendation B2: Work with Artesian, Tidewater and other water companies involved in the issue to amend the current regulations to incorporate the allowance of a domestic connection to the private water system as well as providing a public fire hydrant at the entrance to that system. Artesian/ Tidewater would own and maintain the domestic connection on a yearly basis as required by regulation.

September Response:

See response to B1 above.

December Update:

See response to B1 above.

April 2010 Update:

See Response to B1 above.

Action to be taken by the Delaware State Fire Prevention Commission

Recommendation D1: Establish formal training programs for Commissioners.

September Response:

State funding has been cut from the Fire Prevention Commission's travel appropriation. There is no longer funding available for formal training of Commissioners. If funding becomes available the Commission would suggest training such as: How to properly conduct an appeal/public hearing, Commissioner conduct during an appeal/public hearing, managing multiple agencies, etc. The Commission's Deputy Attorney General provides informal training and is exploring whether Commissioners can be invited to attend the annual training session for board members put on by the Division of Professional Regulation.

December Update:

The State Fire Prevention Commission has requested \$15,000 in the FY 2011 Budget for Commission training. This training would include, but not limited to:

How to Properly Conduct a Hearing

Commissioner Conduct during an Appeal/Public Hearing
Managing Multiple Agencies
Boards and Commissions Training
Fire and Emergency Service Training

April 2010 Update:

No update.

Recommendation D2: Continue to work with the Delaware Volunteer Fireman's Association in drafting the Delaware Standards for Firefighter, Fire Officers, Fire Police and Administrative Officers draft legislation. Keep the JSC informed of the status of the draft.

September Response:

The Commission Fire Service Standards Committee has met on a regular basis continually updating the recommended draft Fire Service Standards.

Number of Meetings - 1 Meeting has been held with the DVFA Officer's and Fire Service Standards Committee. 4 Meetings have been held with the Fire Service Standards Committee alone.

Persons on the Committee: Chairman Marvin Sharp, Commissioner Doug Murray, Commissioner Ron Marvel, Commissioner Bill Betts, Dennis Godek, Mark Harris, Lynn Rogers, Joe Morris, Rodney Whalen, and Gary Madden.

December Update:

The Standards Committee continues to meet the third Monday of each month. The Committee has worked towards a *proposed draft* of standards for the following: Firefighter I and II, Fire Officer I and II, Administrative Officer, Chief EMS Officer, Fire Police, RIT Team Member, Apparatus Operator, Continuing Education, Vehicle and Equipment Inspections. A meeting will be held in all three counties at the same time on January 18th. New Castle County, Elsmere Fire Company, Kent County, Delaware State Fire School, Sussex County, Sussex County EOC.

A written response period will close on April 15, 2010. The Committee will continue to review the results and take into consideration all comments.

April 2010 Update:

No update. As noted above the response period closes on April 15 2010.

Recommendation D3: Continue to review and update all Rules and Regulations pursuant to the Administrative Procedures Act.

September Response:

The Commission held a public hearing on August 18, 2009, with regard to the proposed revisions for 2009 as summarized below:

Part I

- Chapter 2: New Definitions and recommended changes from the High-Rise Committee.
- Chapter 4: Revision on Limitations of Plan Review approvals and permits.
- ANNEX A: Recommendation to adopt the most recent editions of NFPA Codes and Standards that are presently adopted by the Regulation.

- ANNEX B: Recommendations to update the proper section and paragraph numbers from the adopted NFPA Codes and Standards that are presently amended by the Regulation, including NFPA 1; which is being moved from Annex C to Annex B.

Part II

- Chapter 3, 4, and 5: Proposed recommendations to the High Rise and Large Area building Chapters as proposed by the High-Rise Committee.

Part III

- Chapter 3: Proposed recommendation to allow the use of reflective paint or reflective tape on hydrants.
- Chapters 4, 5, 6, 7: Proposed recommendation to allow a company, business, or person(s) exempt from Workers’ Compensation laws of the State (19 Del. C. Chp. 23 – Workers’ Compensation) be licensed by providing written documentation to the Office of the State Fire Marshal stating the exemption.
- Chapter 5 and 7: Proposed recommendation to reflect the requirement in 16 Del. C. § 6603(c) – to have a NICET – Level II – Inspection and Testing of Water-based Systems certification to be licensed to do testing and inspection on water-based fire protection systems.

Part IV

- Chapter 1: Proposed Regulations addressing Fire Safe Cigarettes.

Part V

- Chapter 1: Proposed recommendations to the Gated Communities section.
- Chapter 5: Two public proposals submitted to revise the Fire Lane requirements.

Appendix E

- Defines the meaning of “apartment complex”

The process is ongoing. The Commission will deliberate on the proposed revisions at its September 15, 2009 meeting

December Update:

The Commission completed the update to the Fire Commission Regulations in accordance with the provisions of the APA. The Fire Marshal worked with the Registrar of Regulations to reformat the regulations to conform to Register’s standard formatting. The final Order adopting the regulations was published in the Register of Regulations on November 1, 2009, and the regulations became effective 10 days thereafter.

April 2010 Update:

No update. This recommendation has been completed.

Recommendation D4: Create a self-inspection checklist and require at least annual self-inspections and adopt regulations that enable the same authoritative language to compel the fire companies to comply.

September Response:

This is being addressed through the Fire Service Standards Committee.

December Update:

This is continuing to be addressed through the Standards Committee. See D2 Above

April 2010 Update:

No update.

Recommendation D5: The State Fire Prevention Commission currently has some authority over the State's volunteer fire companies, with the requirement to submit financial statements. However, there is no equitable way to insure that is completed since all fire companies in the State are not compensated equally – a fine of \$100 a day for some will not interrupt their daily operation, but to others it could mean some services may not be provided. The Delaware State Fire Prevention Commission and the Delaware Volunteer Firemen's Association shall reach a consensus and present the JSC with recommendations addressing the issue of compliance/noncompliance.

September Response:

Chairman Sharp initiated contact with the DVFA regarding the penalty provisions in the Financial Audit process. A meeting was held on August 27, 2009.

A workshop was held at the Delaware State Fire School on August 27, 2009, between the State Fire Prevention Commission and the Delaware Volunteer Firemen's Association Officers to discuss the penalty for non-compliance with the submission of Fire Department Audits. The Delaware Volunteer Firemen's Association reaffirmed its agreement with the penalty for non-compliance with the submission of fire department audits at \$100 per day fine with a maximum penalty of \$5,000. The DVFA does not support any further revision to the penalties. The Fire Prevention Commission will revisit the need for enhanced penalties after monitoring audit compliance.

December Update:

A Compliance Audit Committee has been established by the Fire Prevention Commission. The compliance period begins January 1, 2010. There is no further update at this time.

The Commission is continuing to work on a bill to revise its statute regarding this and other JSC recommendations.

April 2010 Update:

No update. The Commission's Deputy Attorney General continues to work on draft legislation. The Deputy anticipates that the draft will be completed no later than April 23, 2010. The Commission will need to review and approve the draft. It will then be submitted to the Joint Sunset Committee.

Action by the Office of the State Fire Marshal

Recommendation F1: The State Fire Marshal and the Public Service Commission review the statute with regard to amending the statute to give the State Fire Marshal jurisdiction over inspections at refineries such as Valero.

September Response:

The State Fire Marshal has contacted Dave Bonar at the PSC via email on August 24, 2009, asking to arrange for a meeting to discuss this issue. The State Fire Marshal has not received a date or dates for a meeting as of September 10, 2009.

The State Fire Marshal believes that authority already exist in Title 16 Chapter 66, §6607(a) (1) (3) (5) (f). The PSC had some concerns, and the Fire Marshal will review those concerns with the PSC.

December Update:

The State Fire Marshal followed up with David Bonar regarding his email of August 24th to Mr. Bonar concerning the JSC recommendation that the PSC and SFMO review the regulations regarding providing the SFMO with authority to inspect refineries/industry such as Valero. Mr. Bonar responded by e-mail dated December 16, 2009, there is an agreement with the USDOT for pipeline inspections for the facilities referred to and that the issue no longer needs to be reviewed.

In addition, as noted above the State Fire Marshal believes that authority already exists in Title 16 Chapter 66, §6607(a) (1) (3) (5) (f) to perform inspections in the future should a need arise.

April 2010 Update:

No further update. The Commission and the Fire Marshal consider this recommendation completed as indicated in the December update.

Recommendation F2: Track financials and submit any proposed increase in the fee schedule to the JSC in January. 16 Del. C. § 6607.

September Response:

A fee increase was passed by the General Assembly on June 30, 2009, and signed by the Governor on July 1, 2009. Effective July 1, 2009, the plan review fee for projects up to \$1,000,000.00 cost increased from 5/10 of 1% to 7/10 of 1% and the fee for projects in excess of \$1,000,000.00 cost increased from 2/10 of 1% to 3/10 of 1% over \$1,000,000.00. The minimum plan review fee increased from \$100.00 to \$150.00, and the subdivision fee increased from \$100.00 to \$150.00. For FY '09 total plan review fees collected were \$1,176,878.79 compared to FY '08 in which \$2,036,397.19 was collected from plan review fees. For the FY 2010 fiscal year to date \$275,473.72 has been collected compared to the same time period in FY'09 \$270,824.14 was collected from plan review fees.

December Update:

No update at this time. The fee schedule was implemented July 1, 2009.

April 2010 Update:

The Commission and the Fire Marshal consider this recommendation completed as a result of the implementation of the fee schedule in July 2009.

Action by the Delaware State Fire School

Recommendation H1: Continue to offer classes/training at times other than weekends, to accommodate volunteers who do not work the traditional Monday – Friday work week.

September Response:

The Delaware State Fire School continues to review and evaluate the classes and programs that are offered. These yearly evaluations include the times that the classes and programs are offered and the locations. With changes in the traditional work week and additional demands on our clients the Delaware State Fire School added additional programs and will be offering these programs during the non-traditional hours. Examples for the 2010 Training includes:

- Added 12 EVO classes to schedule including days, nights and weekends
- Scheduled night and weekend Vehicle Rescue programs at the Divisions
- Scheduled a Haz. Mat. Response Skills class nights at Divisions and Dover
- Scheduled Intro to Emergency Services at the Divisions at night
- Added an additional EMT accelerated course in July
- Will offer FF Survival at the Divisions as an in-service class
- Added additional EMS programs during the evenings and daytime.
- Driver's Competency course to be offered at the Dover Center

December Update:

No further update. The Fire School is moving forward with the 2010 training schedules noted above.

April 2010 Update:

No further update. The Fire School is in compliance with this recommendation.

SECTION 11: PUBLIC INFORMATION

Section 11-A. How does the entity communicate information with the public? Does the entity use a website and/or social media platform(s)? If so, please list each method of communication and supply the applicable web address, handle, or username.

The Fire Prevention Commission has a website to communicate information with the public.
<https://statefirecommission.delaware.gov/>

Section 11-B. What information or educational resources are made available to the public relating to the entity's activities? Examples include newsletters, guidelines, rules and regulations, policy briefs, or other similar documents. Please indicate the method and frequency of distribution for each and identify the target group(s).

All of the Fire Prevention Commission code and regulations are available on our website for the public to view.

Section 11-C. Does the entity actively engage with the public and solicit feedback? If so, please explain. If the entity has conducted surveys, please list all surveys conducted within the past 5 years and indicate where the public can find survey results.

The Fire Prevention Commission does not actively engage with the public or solicit feedback.

Section 11-D. Does the entity have by-laws? If so, are they available for the public (include location) and what was the last date of revision?

The Fire Prevention Commission does not have by-laws.

Section 11-E. Please complete the following 3 charts (add or delete cells as needed) with the most current information regarding interest groups, national organizations, and industry or trade publications as described in each chart heading.

Interest Groups (Groups affected by entity actions or represent others served by or affected by entity actions)		
Group or Association Name/Contact Person	Internet Address	Phone Number

National Organizations or other State Agencies (Serve as an information clearinghouse or regularly interact with the entity)		
Group or Association Name/Contact Person	Internet Address	Phone Number
Delaware Volunteer Firefighters Association	https://www.dvfassn.com/	(877) 455-3832

Industry or Trade Publications		
Group or Association Name/Contact Person	Internet Address	Phone Number
Name of group		

SECTION 12: ENACTED LEGISLATION IMPACTING THE ENTITY

Section 12-A. Did legislation establish the entity? If so, what year and by what legislative bill was the entity established?

House Bill 560 in 1953.

Section 12-B. Please list all legislation and other acts that have made substantive amendments to the entity's enabling legislation. Please indicate the bill number and date of enactment for each.

House Bill 332 in 1999.

House Bill 329 in 2009.

House Bill 438 in 2009.

House Bill 251 in 2009.

Senate Concurrent Resolution 28 in 2009.

House Concurrent Resolution 69 in 2009.

House Bill 82 in 2021.

Section 12-C. Please identify, list, and briefly describe any federal laws or regulations that guide or otherwise directly affect the functions, responsibilities, and operations of the entity.

- Ambulance Standards issued by the Department of Transportation and Federal Highway Administration and National Traffic Safety Administration.

- Compliance with Consensus based codes and standards adopted by the National Fire Protection Association regarding building codes as they apply to codes adopted by the Fire Prevention Commission.
- IRS (Internal Revenue Service) increased reporting requirements for 501 C nonprofit corporations as they apply to the fire company financial reporting requirements.
- FCC/DHS (Federal Communications Commission/Department of Homeland Security) requirements for public safety radio systems that are required to certify radios for fire departments.

SECTION 13: PENDING & PROPOSED LEGISLATION

Section 13-A. Please list any currently proposed legislation (state and federal) that, if passed, will directly impact the functions or operations of the entity. Please indicate any bills that the entity is supporting or opposed.

House Bill 193 is currently in a Senate Committee. This House Bill was submitted by the Delaware Volunteer Firefighters Association and the Fire Commission will fulfill the requirements of the bill if it should be passed.

SECTION 14: FISCAL INFORMATION

Section 14-A. Complete the following chart to provide the entity’s actual revenue for FY20 and FY21 and budgeted revenue for FY22. Also indicate the source of funds (i.e., general fund, federal funds, special funds, etc.).

Revenue:

Fiscal Year	Source of Funds	Amount
FY22 (budgeted)		
	General Funds	\$497.7
	Federal Funds	\$0.00
	Special Funds	\$4,337,300.00
	TOTAL:	\$4,337,797.70
FY21 (actual)		
	General Funds	\$368.9
	Federal Funds	\$0.00
	Special Funds	\$5,067,600.00
	TOTAL:	\$5,067,968.90
FY20 (actual)		
	General Funds	\$368.9
	Federal Funds	\$0.00
	Special Funds	\$5,067,800.00
	TOTAL:	\$5,068,168.90

Section 14-B. If the entity receives federal funds, including grants, please indicate the following:

- **Total amount of federal funds.**
- **Type of federal fund.**
- **State/Federal Match Ratio.**
- **State Share of Dollars.**
- **Federal Share of Dollars.**

Section 14-C. Does the entity collect any fees or fines? Provide information on any fines or fees collected by the entity:

Description of Fine or Fee	Current Fine or Fee \$\$	Number of Persons or Entities Paying Fine or Fee	Fine or Fee Revenue \$\$	Where is the Fine or Fee Revenue Deposited? (i.e., general fund, special fund)
EMT Certification	\$10	800	8,000.00	Special Fund

Section 14-D. Has the entity conducted a financial analysis to determine if the current fees are sufficient to cover the cost of the administrative activity related to each? Do the current fees or fines need to be updated or revised? Please explain, indicating whether the fees or charges can be changed directly by the entity or if legislative approval is required.

The fees that are collected are not sufficient to cover the cost of the administrative activity related to its source. The Commission processes Delaware EMT applications and collects a \$10 fee for the Delaware EMT card that is produced from the application. Delaware EMTs are required to recertify every two years which means approximately 800 EMTs certify annually. These funds are collected in a special funds account.

Funds are collected through red light citations and Title 21 violations for a designated Ambulance Fund that fall into special funds. These funds are distributed by a set formula statewide to fire companies with an ambulance service. None of these funds are kept by the Fire Commission as an agency.

Section 14-E. Complete the following chart to provide the entity’s actual expenditures for FY20 and FY21 and budgeted expenditures for FY22. Also indicate the source of expenditures (i.e., general fund, federal fund, special fund, etc.).

Expenditures:

Fiscal Year	Source of Funds	Amount
FY22 (budgeted)		
	General Funds	\$312,601.88
	Federal Funds	\$0.00
	Special Funds	\$3,371,954.00
	TOTAL:	\$3,684,555.88
FY21 (actual)		
	General Funds	\$361,669.19
	Federal Funds	\$0.00
	Special Funds	\$4,007,311.00
	TOTAL:	\$4,368,980.19
FY20 (actual)		
	General Funds	\$361,669.19
	Federal Funds	\$0.00
	Special Funds	\$4,320,931.00
	TOTAL:	\$4,682,600.19

Section 14-F. Provide a detailed breakdown of FY22 budgeted expenses.

Breakdown of FY22 budgeted expenses:

Line Item	Source(s)	Amount of Expenditures
Personnel	General Fund	233,634.66
Travel	General Fund	12,995.05
Contractual	General Fund	43,965.13
Supplies	General Fund	5,100.00
Fire Safety Matching Funds	General Fund	15,907.04
		TOTAL \$312,601.88

Section 14-G. Within the last three fiscal years, have there been any external factors that have positively or negatively impacted the entity’s revenue or expenditures?

No

SECTION 15: LICENSING PROCESS

Section 15 of the Self-Report may not be applicable. This section will apply if the entity reviews applications and/or issues licenses. If unsure, please contact JLOSC staff.

- If this section is applicable, answer all questions in Section 15.
- If this section is not applicable, write below that the entity does not review applications or issue licenses, and skip to Section 16.

Section 15-A. Please list each of the licenses, certificates, or approval notices issued by the entity and include the following information:

- **Indicate how many are currently licensed, and whether an individual or institution receives the license.**
 - **Standard date of and requirements for renewal.**
 - **Criteria for determining qualifications for licensure.**
 - **Period for which a license is valid.**
- **Ambulance License**
 70 License Issued Annually
 License must be renewed annually by December 31st
 The criteria for determining qualifications for licensure are in Regulation 710.
 The ambulance license is valid from January 1st to December 31st.
 - **Ambulance Permitting**
 Over 250 ambulance unit permits are processed annually.
 Unit Permits must be renewed by December 31st
 The criteria for determining qualifications for ambulance permits are in Regulation 710.
 The ambulance permit is valid from January 1st to December 31st.
 - **EMT Certification**
 Over 1,800 Delaware Certified EMTs
 Delaware EMT Certifications are renewed bi-annually.
 The criteria for determining qualifications for EMT Certification are in Regulation 710.
 Delaware EMT Certifications are renewed by March 31st.

Section 15-B. Please provide the following data for each license, certificate, or approval notice issued by the entity during calendar years 2019, 2020, 2021, and 2022 (to date). Include additional charts, if necessary:

Name of license issued by the entity: Ambulance License

	# of License Applications Received	# of License Applications Approved	# of Licenses Issued	# of Licenses Rejected	# of Licenses Revoked
Calendar Year 2019	71	71	71	0	0
Calendar Year 2020	71	71	71	0	0
Calendar Year 2021	71	71	71	0	0
Current Calendar Year 2022 (to date)	71	71	71	0	0

Name of license issued by the entity: Ambulance Permit

	# of License Applications Received	# of License Applications Approved	# of Licenses Issued	# of Licenses Rejected	# of Licenses Revoked
Calendar Year 2019	250	250	250	0	0
Calendar Year 2020	250	250	250	0	0
Calendar Year 2021	250	250	250	0	0
Current Calendar Year 2022 (to date)	250	250	250	0	0

Name of license issued by the entity: EMT Certification

	# of License Applications Received	# of License Applications Approved	# of Licenses Issued	# of Licenses Rejected	# of Licenses Revoked
Calendar Year 2019	1,741	1,741	1,741	0	0
Calendar Year 2020	1,802	1,802	1,802	0	0
Calendar Year 2021	1,758	1,758	1,758	0	0
Current Calendar Year 2022 (to date)	1,741	1,741	1,741	0	0

Section 15-C. Do licenses issued by the entity have reciprocity or endorsement agreements with Delaware? If so, provide a list of all states and jurisdictions that have licensing reciprocity or endorsement agreements with Delaware. Indicate if the entity requires a signed agreement or endorsement from another state or jurisdiction before a Delaware license is issued?

Delaware does not have reciprocity agreements with any other states.

Application Fees:

Section 15-D. Are any application fees collected by the entity? If so, complete the chart below.

Fee Type	Application Fee
EMT Certification	\$10

Section 15-E. If application fees are collected, when are fees due? Where are fees deposited? What happens if the fee is not paid? Are there any reduced fee options?

The fee is due at the time of processing the application. The fees are deposited into the general fund of the agency. The applying EMT does not receive their certification if they do not pay the fee. There are not any reduced fee options.

Section 15-F. If application fees are collected, has the entity conducted a financial analysis to determine if the current application fees are sufficient to cover the cost of processing applications? Do the current application fees need to be updated or revised? Please explain, indicating whether the application fees can be changed directly by the entity or if legislative approval is required.

The Fire Commission has not done a financial analysis to determine if the current application fees are sufficient to cover the cost of processing the applications.

Application Process:

Section 15-G: Describe the application review process. Include where applications are obtained. Who reviews applications? How are applicants informed of decisions?

DELAWARE EMT CERTIFICATION REQUIREMENTS

INITIAL CERTIFICATION

Individual seeking Certification through a State Approved class must submit the following to the Delaware State Fire Prevention Commission:

- Delaware EMT Certification application signed by you and your sponsoring organization. Must have live signatures
- Complete and pass State and Federal Background check for EMT certification through Delaware State Bureau of Identification sent directly to Delaware State Fire School by SBI. Background checks are valid for six months.
- Copy of Delaware Emergency Technician Class Certificate showing completion date of the class
- Copy of current National Registry Emergency Medical Technician card

- Copy of current BLS Provider CPR/AED card or equivalent as approved by the Fire Prevention Commission. List can be found on www.statefirecommission.delaware.gov – EMT Information – Delaware CPR/AED Certification Requirements
- Process fee of \$10.00 must accompany application. We accept credit cards excluding American Express, checks made payable to State Fire Prevention Commission, and cash. We are unable to bill individuals or companies.

Once all paperwork is received and approved by the State Fire Prevention Commission, a Delaware Emergency Medical Technician card with a picture and signature will be issued.

Certification is good for 2 years to coincide with expiration date of National Registry Certification on March 31 of expiration year.

Delaware Emergency Medical Technician cards will be mailed to individual person's address on file

DELAWARE EMT RECIPROCITY REQUIREMENTS

THROUGH RECIPROCITY

Individuals seeking Reciprocity from another state must be a National Registered Emergency Medical Technician and submit the following to the Delaware State Fire Prevention Commission:

- Delaware Reciprocity Application completed in its entirety and signed by Sponsoring Organization (an EMS provider in the state of Delaware with live signatures)
- Complete and pass a State and Federal background check for EMT certification at Delaware State Bureau of Identification to be sent directly to Delaware State Fire School by SBI. Background checks are valid for six months
- Copy of Delaware State Fire School Reciprocity class certificate showing date of completion and current Delaware Protocol training.
- Verification of Certification form must be completed by current State EMT Certifying Agency and mailed, emailed, or faxed directly to the Delaware State Fire Prevention Commission.
- Copy your current State Emergency Medical Technician card
- Copy of your current National Registry Emergency Medical Technician card
- Copy of current BLS Provider CPR/AED card or equivalent as approved by the Delaware State Fire Prevention Commission. List can be found on www.statefirecommission.delaware.gov
- If you do not have a Delaware Driver's License, submit a color photograph and signature by email or fax. Copies of Driver's Licenses and/or ID cards will not be accepted.

- Processing fee of \$10.00 must accompany application. We accept credit cards excluding American Express, checks made payable to State Fire Prevention Commission, and cash. We are unable to bill individuals or companies.

Certification is good for 2 years to coincide with National Registry Emergency Medical Technician on March 31, expiration year.

Delaware Emergency Medical Technician cards will be mailed to individual person's address on file.

THROUGH RECIPROCITY - NATIONAL REGISTRY EMT

BUT

NEVER CERTIFIED IN ANY STATE:

Individuals seeking Reciprocity from another state or military must be a National Registered Emergency Medical Technician and submit the following to the Delaware State Fire Prevention Commission:

- Delaware Reciprocity Application completed in its entirety and signed by Sponsoring Organization (an EMS provider in the state of Delaware with live signatures)
- Complete and pass a State and Federal background check for EMT certification at Delaware State Bureau of Identification to be sent directly to Delaware State Fire School by SBI. Background checks are valid for six months
- Copy of Delaware State Fire School Reciprocity class certificate showing date of completion and current Delaware Protocol training.
- Verification of Certification form must be completed by current State EMT Certifying Agency and mailed, emailed, or faxed directly to the Delaware State Fire Prevention Commission.
- Copy your current State Emergency Medical Technician card
- Copy of your current National Registry Emergency Medical Technician card
- Copy of current BLS Provider CPR/AED card or equivalent as approved by the Delaware State Fire Prevention Commission. List can be found on www.statefirecommission.delaware.gov
- If you do not have a Delaware Driver's License, submit a color photograph and signature by email or fax. Copies of Driver's Licenses and/or ID cards will not be accepted.
- Processing fee of \$10.00 must accompany application. We accept credit cards excluding American Express, checks made payable to State Fire Prevention Commission, and cash. We are unable to bill individuals or companies.

Certification is good for 2 years to coincide with National Registry Emergency Medical Technician expiration date on March 31, expiration year.

Delaware Emergency Medical Technician cards will be mailed to individual person's address on file.

DELAWARE EMT RECERTIFICATION REQUIREMENTS

RECERTIFICATION

Recertification is not automatic. It requires an application to be completed and received by Delaware State Fire Prevention Commission on or before March 31 of expiring year in order to maintain an Active status as a Delaware Emergency Medical Technician. Individuals seeking recertification as a Delaware Emergency Medical Technician must submit the following:

- Delaware Emergency Medical Technician application signed by you and your sponsoring organization. Must be live signatures
- Copy of Delaware Emergency Refresher Class Certificate showing completion date of the class and current Delaware Protocol training.
- A Delaware Emergency Medical Technician employed in another state may present a certificate of completion for training credit from an out-of-state refresher program that participates in the NHSTA NCCP program. The EMT will be also be required to complete the DSFS State Content class which includes current Delaware BLS Protocols
- Copy of current National Registry Emergency Medical Technician card
- Copy of current BLS Provider CPR/AED car or equivalent as approved by the Delaware State Fire Prevention Commission. List can be found on www.statefirecommission.delaware.gov – EMT Information – Delaware CPR/AED Certification Requirements
- Processing fee of \$10.00 must accompany application. We accept credit cards excluding American Express, checks made payable to State Fire Prevention Commission, and cash. We are unable to bill individuals or companies
- **DEPARTMENT OF DEFENSE** – If EMT is called to active duty during recertification, EMT will have an extension of 90 days after return to complete all requirements for certification. Proper paperwork must be provided to validate cause of extension

Certification is good for 2 years to coincide with National Registry Emergency Medical Technician expiration date on March 31, expiration year.

Delaware Emergency Medical Technician cards will be mailed to individual person's address on file.

REINSTATE LAPSED DELAWARE EMT CERTIFICATION REQUIREMENTS

Within 24 months of lapsing

Individuals seeking recertification as a Delaware Emergency Medical Technician must submit the following:

- Delaware Application for Certification completed in its entirety signed by you and sponsoring organization. Must have live signatures
- Copy of certificate showing completion date of approved Delaware EMT Refresher class and current Delaware Protocol training.
- Copy of current National Registry Emergency Medical Technician card
- Copy of current BLS Provider CPR/AED card as approved by the Delaware State Fire Prevention Commission. List can be found on www.statefireprevention.delaware.gov – EMT Information – Delaware CPR/AED Certification Requirements
- Complete and pass a State and Federal background check for EMT certification at Delaware State Bureau of Identification to be sent directly to Delaware State Fire School by SBI. Background checks are valid for six months.

More than 24 months of lapsing

Individuals who are currently National Registry Emergency Medical Technician certified seeking recertification as a Delaware Emergency Medical Technician if more than 24 months have passed since lapsing must submit the following:

- Delaware Recertification Application completed in its entirety and signed by Sponsoring Organization (an EMS provider in the state of Delaware with live signatures)
- Complete and pass a State and Federal background check for EMT certification at Delaware State Bureau of Identification to be sent directly to Delaware State Fire School by SBI. Background checks are valid for six months.
- Copy of Delaware State Fire School Reciprocity class certificate showing date of completion and current Delaware Protocol training.
- Copy of your current National Registry Emergency Medical Technician card
- Copy of current BLS Provider CPR/AED card or equivalent as approved by the Delaware State Fire Prevention Commission. List can be found on www.statefirecommission.delaware.gov
- If you do not have a Delaware Driver's License, submit a color photograph and signature by email or fax. Copies of Driver's Licenses and/or ID cards will not be accepted.
- Processing fee of \$10.00 must accompany application. We accept credit cards excluding American Express, checks made payable to State Fire Prevention Commission, and cash. We are unable to bill individuals or companies.

Certification is good for 2 years to coincide with National Registry Emergency Medical Technician expiration date on March 31, expiration year.

Delaware Emergency Medical Technician cards will be mailed to individual person's address on file.

PARAMEDIC AND DELAWARE EMT CARD REQUIREMENTS

Delaware Paramedic:

Paramedics riding with the volunteer fire/ambulance service, an ambulance company, a private ambulance provider or any other group, business or industry authorized or recognized by the Commission to provide BLS and/or Ambulance Service within the State must submit the following:

- Delaware Emergency Medical Certification Application completed in its entirety signed by you and sponsoring organization
- Complete and pass a State and Federal background check for EMT certification at Delaware State Bureau of Identification to be sent directly to Delaware State Fire School by SBI. Background checks not for EMT Certification send directly to DSFS by SBI will not be accepted. Background checks are good for six months
- Copy of current Delaware State Paramedic license
- Copy of current National Registry Paramedic card
- Copy of current BLS Provider CPR/AED card or equivalent as approved by Delaware State Fire Prevention Commission. List can be found on www.statefireprevention.delaware.gov – EMT Information – CPR/AED Certification Requirements
- Documentation showing completion of current Delaware BLS Protocols class
- If you do not have a Delaware Driver's License, submit a color photograph and signature by mail, email or fax. Copies of Driver's Licenses and/or ID cards will not be accepted.
- Processing fee of \$10.00 must accompany application. We accept credit cards excluding American Express, checks made payable to State Fire Prevention Commission, and cash. We are unable to bill individuals or companies

Certification is good for 2 years to coincide with National Registry Emergency Medical Technician expiration date on March 31, expiration year.

Delaware Emergency Medical Technician cards will be mailed to individual person's address on file.

Non-Delaware Paramedics:

Non-Delaware Paramedics riding with the volunteer fire/ambulance service, an ambulance company, a private ambulance provider or any other group, business or industry authorized or recognized by the Commission to provide BLS and/or Ambulance Service within the State must submit the following:

- Delaware Reciprocity Application completed in its entirety and signed by Sponsoring Organization (an EMS provider in the state of Delaware with live signatures)
- Complete and pass a State and Federal background check for EMT certification at Delaware State Bureau of Identification to be sent directly to Delaware State Fire School by SBI. Background checks not for EMT Certification send directly to DSFS by SBI will not be accepted. Background checks are valid for six months
- Copy of Delaware State Fire School Reciprocity class certificate showing date of completion and current Delaware Protocol training
- Verification of Certification form must be completed and mailed, emailed, or faxed directly to the Delaware State Fire Prevention Commission.
- Copy your current State Emergency Medical Technician card
- Copy of your current National Registry Emergency Medical Technician Paramedic card
- Copy of current BLS Provider CPR/AED card or equivalent as approved by the Delaware State Fire Prevention Commission. List can be found on www.statefirecommission.delaware.gov – EMT Information – CPR/AED Certification Requirements
- If you do not have a Delaware Driver's License, submit a color photograph and signature by email or fax. Copies of Driver's Licenses and/or ID cards will not be accepted.
- Processing fee of \$10.00 must accompany application. We accept credit cards excluding American, checks made payable to State Fire Prevention Commission, and cash. We are unable to bill individuals or companies.

Certification is good for 2 years to coincide with National Registry Emergency Medical Technician expiration date on March 31, expiration year.

Delaware Emergency Medical Technician cards will be mailed to individual person's address on file.

Discontinued Paramedic Employment:

Paramedics who have discontinued their employment in good standing and wish to ride with the volunteer fire/ambulance service, an ambulance company, a private ambulance provider or any other group, business or industry authorized or recognized by the Commission to provide BLS and/or Ambulance Service within the State must submit the following within six months (more than six months follow Reciprocity requirements) from last day of employment:

- Delaware Certification/Recertification application completed in its entirety signed by you and sponsoring organization
- Complete and pass a State and Federal background check for EMT certification at Delaware State Bureau of Identification to be sent directly to Delaware State Fire School by SBI. Background checks not for EMT Certification send directly to DSFS by SBI will not be accepted. Background checks are valid for six months
- Copy of Delaware State Fire School State Content class certificate showing date of completion.
- Copy of current National Registry Emergency Technician card
- Copy of current BLS Provider CPR/AED card or equivalent as approved by State Fire Prevention Commission. List can be found on www.statefirecommission.delaware.gov – EMT Information – CPR/AED Certification Requirements
- Letter from their previous employer stating that at the time of separation from employment they were an employee in good standing
- If you do not have a Delaware Driver's License, submit a color photograph and signature by email or fax. Copies of Driver's Licenses and/or ID cards will not be accepted.
- Processing fee of \$10.00 must accompany application. We accept credit cards excluding American Express, checks made payable to State Fire Prevention Commission, and cash. We are unable to bill individuals or companies

Delaware Technical Paramedic Student:

If attending Paramedic class, once you have completed the NREMT portion of your class and have received your NREMT card you will need to submit the following:

- Delaware Emergency Medical Technician application completed in its entirety signed by you and sponsoring organization
- Copy of your DelTech Transcript indicating which course is the EMT portion of your class. Must provide proof that current Delaware BLS Protocols were taught in this class. This can be by letter or email from current DelTech Allied Health Instructor to State Fire Prevention Commission.

- Copy of current NREMT card
- Copy of current BLS Provider card or equivalent as approved by State Fire Prevention Commission. List can be found on www.statefirecommission.delaware.gov – EMT Information – CPR/AED Certification Requirements
- Complete and pass a State and Federal background check for EMT certification at Delaware State Bureau of Identification to be sent directly to Delaware State Fire School by SBI. Background checks for EMT Certification that were not sent directly to Delaware State Fire School by SBI will not be accepted. Background checks are good for six months
- If you do not have a Delaware Driver’s License, submit a color photograph and signature by email or fax. Copies of Driver’s Licenses and/or ID cards will not be accepted.
- Processing fee of \$10.00 must accompany application. We accept credit cards excluding American Express, checks made payable to State Fire Prevention Commission, and cash. We are unable to bill individuals or companies.

Certification is good for 2 years to coincide with National Registry Emergency Medical Technician expiration date on March 31, expiration year.

Delaware Emergency Medical Technician cards will be mailed to individual person’s address on file.

Examinations:

Section 15-H. If there is an examination requirement to obtain a license, address the following questions:

1. Is the examination written, oral, or both?

The Commission receives an EMT Certificate from an approved educational facility with an EMT application. The Commission does not administer any examinations.

2. Is a standardized national examination used?

Delaware EMTs are required to maintain a National Registry certification that requires an initial examination through that organization.

3. Who develops and scores the exam?

The educational facility develops exams and scores them for Delaware EMT certification courses. All courses with all approved educational facilities are reviewed and approved by the Fire Prevention Commission through an Educational Policy.

4. Are all aspects of the examination validated?

All aspects of the examination are validated.

5. Who administers the exam, where is it administered, and how often is the exam given?

Educational facilities administer their EMT exams upon the completion of their classes/training. The National Registry administers their examination through designated testing centers statewide.

6. During each of the previous three calendar years, how many persons sat for an exam, and of those, how many successfully passed?

All new EMTs have an opportunity to sit for the National Registry exam once they've completed the Delaware portion of their certification. The Commission is not made aware of how many students take the next step of taking the exam or how many may not successfully pass it.

SECTION 16: RECONSIDERATION, APPEAL, SANCTIONS, REVOCATION

Reconsideration:

Section 16-A: Is there a process for application or entity decision reconsideration (a process prior to a formal appeal, sometimes referred to as an administrative reconsideration)? This could also apply to reconsidering budget decisions made by the entity. If so, please explain.

Regulation 701

7.0 Procedures of Appeal.

7.1 Filing of Appeals.

7.1.1 All appeals shall be made in such form as is designated by the State Fire Prevention Commission. Forms for appeal are available at the Office of the State Fire Marshal.

7.1.2 An appeal shall not be considered filed until it has been received by the State Fire Prevention Commission.

7.1.3 All appeals that originate from enforcement action by one of the Assistant State Fire Marshals, from the jurisdictions as defined 16 **Del.C.** §6612(c), shall be reviewed by the State Fire Marshal with the jurisdictional Assistant State Fire Marshal, to determine if, in fact, the State Fire Prevention Regulations appear to have been appropriately interpreted and applied to the case in question.

7.1.3.1 It shall be the responsibility of the jurisdictional Assistant State Fire Marshal, who initiated the enforcement action resulting in the filing of the appeal, to contact the State Fire Marshal and arrange for this review.

7.1.3.2 The State Fire Marshal shall make a report to the State Fire Prevention Commission of his findings with respect to his review of the enforcement action. The report shall be limited to an opinion from the State Fire Marshal that the State Fire Prevention Regulations appear to have been interpreted and applied correctly by the jurisdictional Assistant State Fire Marshal; this information may be considered as part of their deliberation by the State Fire Prevention Commission as to the validity of the need for an appeal hearing.

7.1.3.3 If the State Fire Prevention Commission finds that the State Fire Prevention Regulations have not been correctly interpreted or applied by the jurisdictional Assistant State Fire Marshal, then the Commission may remand the issue back to the jurisdictional Assistant State Fire Marshal for appropriate application of the State Fire Prevention Regulations.

7.2 Time within which appeals may be made.

7.2.1 Any person alleging that there is error in an order or decision of the State Fire Marshal may appeal to the State Fire Prevention Commission within 45 days after such order or decision is made.

7.2.2 Any person seeking a variance, special exception, interpretation, or decision upon some other special question may appeal to the State Fire Prevention Commission at any time.

7.3 Operation of Appeal as a Stay.

7.3.1 The filing of an appeal shall not automatically stay the operation of the order or decision of the State Fire Marshal on which the appeal is made.

7.3.2 The State Fire Prevention Commission may, however, upon petition, grant a stay pending the outcome of an appeal where it is found that a stay will not cause immediate detriment to the public safety. The burden of proof shall be upon the party requesting the stay.

7.4 Time of Hearing; Notice.

7.4.1 All appeals, unless dismissed by the State Fire Prevention Commission as unfounded, shall, if reasonably possible, be heard by the Commission within three (3) months after they are filed. The time and place of the hearing shall be fixed by the State Fire Prevention Commission.

7.4.2 Notice of the time and place of the hearing shall be personally served, or sent by registered mail to the address provided on the appeal or request, with return receipt requested, to the appellant at least twenty (20) days prior to the date fixed for the hearing.

7.4.3 Prior to any hearing, the Chairperson may designate a member of the State Fire Prevention Commission to serve as the hearing officer.

7.5 Request for Continuance; Failure to Appear.

7.5.1 Requests for continuances must be made in writing to the Chairperson of the State Fire Prevention Commission at least one week prior to the date of the hearing. Such requests may be granted upon the showing of good cause thereof.

7.5.2 Requests made less than one week prior to the hearing will not be granted except upon a showing of dire emergency.

7.5.3 In the event a party fails to request a continuance in a timely manner, and fails to appear, the Commission may, at its discretion, after twenty (20) minutes consider that the appeal has been withdrawn and summarily affirm the decision of the State Fire Marshal.

7.6 Hearing Procedure.

7.6.1 All testimony shall be recorded by an electronic recording device and such record shall be preserved for at least sixty (60) days following the hearing. The party initiating the appeal or the party seeking the variance, special exception, interpretation, or other decision upon some other specific question may elect to have the proceedings transcribed by a court reporter and shall be responsible for the following:

7.6.1.1 Making the necessary arrangements to have the court reporter in attendance for the proceedings; and

7.6.1.2 Assuming all costs associated with the court reporter being in attendance and all costs for all transcripts and any copies thereof; and

7.6.1.3 Providing the State Fire Prevention Commission with one original copy and one copy of the transcript.

7.6.2 The State Fire Prevention Commission shall keep a permanent written record of all hearings in the form of official minutes.

7.6.3 Appearances shall be noted in the official minutes.

7.6.4 All testimony shall be taken under oath.

7.6.5 Evidence:

7.6.5.1 All evidence which the State Fire Prevention Commission determines to be relevant, reliable, and not unduly repetitious shall be admissible.

7.6.5.2 Objections to the admission or exclusion of evidence shall be brief and shall state the grounds for objection.

7.6.5.3 Any offer of proof made in connection with an objection taken to any admission or exclusion of evidence shall consist of a statement of that which the offerer contends would be adduced by such testimony or document. Where the offer concerns a document, a copy of same shall be marked for identification.

7.6.6 Appellant shall appear personally and may be represented by counsel. If appellant is a corporation, it shall be represented by counsel.

7.6.7 The State Fire Prevention Commission shall open the hearing with a brief statement of the purpose of the hearing.

7.6.8 Appellant shall then testify in his behalf and shall be subject to examination by the State Fire Prevention Commission.

7.6.9 Appellant may follow his testimony with the production of additional evidence in support of his position.

7.6.10 Following appellant's presentation, opposing evidence may be presented by the State Fire Marshal.

7.6.11 Any documentary evidence, which the appellant may elect to present at the hearing, may be returned to him, upon receipt of written request for the return of such documents, within sixty (60) days of the date of the hearing. Otherwise, the State Fire Prevention Commission may dispose of such evidence at its discretion.

Appeal:

Section 16-B: Can an applicant, group, or individual appeal an entity decision? If so, explain the process for appeal.

Yes, the process is stated above per Regulation 701.

Sanctions:

Section 16-C: Can the entity issue sanctions? If so, explain the sanction process.

No, the Commission does not issue sanctions to EMTs or ambulance companies.

Revocation:

Section 16-D: Does the entity have a revocation process? If so, explain the process.

Regulation 710

14.4 Decertification; Violations; Penalties and Disciplinary Procedure.

14.4.1 The Commission may decertify or otherwise discipline a Commission certified EMT or Ambulance Service Provider where the EMT or provider:

14.4.1.1 Does not meet the recertification requirements as defined by the Commission;

14.4.1.2 Has obtained Certification by means of fraud or deceit;

14.4.1.3 Has demonstrated gross negligence, a pattern of negligence, or has proven otherwise to be grossly incompetent; or

14.4.1.4 Has violated Protocols;

14.4.1.5 Has violated or aided or abetted in the violation of any provision of these regulations; or

14.4.1.6 Has violated any contractual agreement related to providing Ambulance Service;

14.4.1.7 Has had three or more critical deficiencies within a 12 month period;

14.4.1.8 Has violated any contractual agreement related to providing Ambulance Service;

14.4.1.9 Has engaged in unprofessional conduct;

14.4.1.10 Had their NREMT certification revoked by the National Registry of Emergency Medical Technicians;

14.4.1.11 Is charged with an offense as specified in 16 **Del.C.** §6712(b);

14.4.1.12 Has had a suspension or revocation of EMT certification or of the authorizing document to practice in another profession or occupation regulated by the Commission or has had other disciplinary action taken by the regulatory authority in another state or jurisdiction. In making its determination, the Commission may take notice of decisions and proceedings made by other regulatory bodies and may refuse to permit a collateral attack on those decisions;

14.4.1.13 Has a history of disciplinary violations;

14.4.1.14 Has failed or is noncompliant with drug testing;

14.4.1.15 Where physical or psychological limitations prevent the EMT from performing the essential functions of the job with reasonable accommodations, consistent with any applicable federal or state disability law; or

14.4.1.16 Fails to report any discipline from another state or jurisdiction.

14.4.2 “Unprofessional conduct” includes but is not limited to any of the following acts or omissions:

14.4.2.1 The use of any false, fraudulent, or forged statement or document or the use of any fraudulent, deceitful, dishonest, or unethical practice in connection with a certification, registration, or licensing requirement of this Regulation, or in connection with the practice of EMT services or other profession or occupation regulated by the Delaware State Fire Prevention Commission;

14.4.2.2 Conviction of or admission under oath to having committed a crime substantially related to the practice of EMT services or other profession or occupation regulated by the Commission, including but not limited to those specified in 16 **Del.C.** §6647;

14.4.2.3 Any dishonorable, unethical, or other conduct likely to deceive, defraud, or harm the public;

14.4.2.4 The practice of EMT services or other profession or occupation regulated by the Commission under a false or assumed name;

14.4.2.5 The practice of EMT services or other profession or occupation regulated by the Commission without a certificate or other authorizing document or renewal of such document, unless otherwise authorized by the Commission;

14.4.2.6 The use, distribution, or issuance of a dangerous or narcotic drug, other than for therapeutic or diagnostic purposes;

14.4.2.7 Abuse, misuse or diversion of illicit or illegal drugs, controlled substances or prescription drugs or alcohol;

14.4.2.8 The practice of EMT services or other profession or occupation regulated by the Commission by any EMT whose physical or mental capacity is not adequate to safely perform the EMT's duties and responsibilities;

14.4.2.9 Advertising of the practice of EMT services or other profession or occupation regulated by the Commission in an unethical or unprofessional manner;

14.4.2.10 Knowing or intentional performance of an act which, unless authorized by the Commission, assists an unauthorized person to practice EMT services or other profession or occupation regulated by the Commission;

14.4.2.11 The failure to provide adequate supervision to an individual working under the supervision of a person who is certified to practice EMT services or other profession or occupation regulated by the Commission;

14.4.2.12 Unjustified failure upon request to divulge information relevant to the authorization or competence of a person to practice EMT services or other profession or occupation regulated by the Commission to the Commission, or to anyone designated by the Commission to request such information;

14.4.2.13 The violation of a provision of this Regulation or the violation of an order of the Commission related to the practice of EMT services, BLS Service or to the procedures of other professions or occupations regulated by the Commission, the violation of which more probably than not will harm or injure the public or an individual;

14.4.2.14 Charging a grossly exorbitant fee for EMT services or BLS Services rendered;

14.4.2.15 Use of private information from PCRs or other medical documents for nonprofessional reasons; and

14.4.2.16 Failure to cooperate in a Commission investigation.

14.4.3 The following procedure shall be followed for the investigation of complaints against EMTs:

14.4.3.1 Any person who desires to file a complaint against any EMT or Ambulance Service Provider must do so in writing to the Commission. The Commission shall assign an investigator to investigate the complaint. If the investigation is completed by a sitting Commissioner that Commissioner shall recuse himself or herself from any hearing on the complaint.

14.4.3.2 The complaint shall state the name of the EMT or Ambulance Provider and sufficient facts as determined by the Commission's investigator which allegedly constitute the basis for the written complaint. If any of these elements are missing in the written complaint, the Commission investigator may, in his or her discretion, *sua sponte* dismiss the complaint.

14.4.3.3 The complaint shall be filed with the Commission. The Commission's designee shall, within 15 days of the receipt of the complaint, fill out a complaint, log assign a complaint number and enter the complaint in the Commission's records. A record of the complaint shall be kept with the Commission for a period of 5 years.

14.4.3.4 The Commission shall mail a copy of the complaint to the complaint respondent at the address of record in the Commission's files. Commission's investigator may, in his or her discretion, withhold the name of the complainant until the time of the hearing. The named EMT or Ambulance Service Provider, if they choose, may file an answer to the complaint within 20 calendar days of the notice of complaint.

14.4.3.5 The Commission or the investigator shall suspend its investigation and withhold from the respondent reports of violations or misconduct if a request to do so is made by the Delaware Department of Justice or a federal law-enforcement authority due to the potential effects of such conduct on a pending criminal investigation. Such written request shall suspend any duty to investigate, advise the complainant or respondent, or undertake any other duties that would interfere with the ability of law enforcement to investigate the allegations successfully. The suspension shall remain in effect until the Delaware Department of Justice or federal law enforcement informs the Commission or its investigator that action by the Commission will not interfere with a pending law-enforcement investigation.

14.4.3.6 The investigator assigned by the Commission shall direct the investigation of the complaint. The investigator shall issue a final report at the conclusion of the investigation. The report shall list the evidence reviewed, the witnesses interviewed and cite the law or regulation alleged to have been violated and the facts to support such finding.

14.4.3.7 If there is substantial evidence to support a violation of any of these regulations or any law governing the Commission, the Commission or its investigator may forward the complaint and written report to the Department of Justice to determine whether a complaint should be filed and a hearing requested before the Commission. If the Deputy Attorney General assigned to the case recommends not to prosecute or otherwise not file a formal complaint, the Deputy Attorney General shall notify the Chair or Vice-Chair of the Commission and the investigator in writing.

14.4.3.8 If the Deputy Attorney General assigned to the case recommends dismissal or no prosecution, the Commission shall, thereafter, dismiss the complaint which shall constitute a final order. The Commission shall, thereafter, file a copy of the Attorney General's recommendation and an investigator's report for informational purposes only.

14.4.3.9 Nothing in this subsection shall prohibit a member of the public from filing a complaint directly with the Commission or an EMS Medical Director.

14.4.4 For the purpose of the public health, safety and welfare, and after a hearing the Commission may impose any of the following sanctions against an EMT or Ambulance Service Provider for any violation of this Regulation:

14.4.4.1 Dismiss without prejudice;

14.4.4.2 Issue a letter of reprimand;

14.4.4.3 Place the EMT on probationary status with any such license restrictions as the Commission may deem appropriate and with requirements for reporting to the Commission.

14.4.4.4 Suspend any EMT's or Ambulance Service Provider's Certification;

14.4.4.5 Permanently revoke any EMT's Certification;

14.4.4.6 Withdraw or reduce conditions of probation or suspension when the Commission finds that the deficiencies which required such action have been remedied;

14.4.4.7 Require reeducation on any topic of concern.

14.4.5 Notwithstanding the foregoing, if the BLS Medical Director determines after a review of the investigation that while a violation of regulations or Protocols did not occur, the Commission may issue a confidential letter of concern if the Commission and or Medical Director believe that any act or omission is a matter of concern and that the EMT's practice may be improved. If an EMT receives three or more letters of concern, the Commission may schedule a hearing to determine if further disciplinary action may be required.

14.4.6 If a complaint against an EMT or Ambulance Provider appears to present a clear and immediate danger to the public health, safety or welfare, the Commission or the Commission Investigator may temporarily suspend the EMT or Ambulance Provider's certification. Notice of a temporary suspension must be provided to the EMT or Ambulance Provider no later than 24 hours prior to the effective date of the suspension. An order of temporary suspension shall remain in effect until a hearing is convened. An EMT or Provider whose license has been temporarily suspended may request an expedited hearing provided that the Commission receives a request for expedition within five calendar days from the date the EMT or Provider receives notice of the temporary suspension. In no event shall an order of temporary suspension exceed sixty days.

SECTION 17: SELF-REPORT AUTHOR(S)

Section 17-A: Include all Self-Report author(s) and contact information below.

- **All Self-Report author(s) listed below certify the information supplied in this Self-Report is correct to the best of their ability.**
 - **Reminder to entity under review: Any updates or corrections to Self-Report contents and entity information must be submitted to JLOSC staff in a timely manner during the entire period of review.**
- Sherry Lambertson
(302) 241-2661 – Office Direct Line
(302) 739-3160 - Office
Sherry.Lambertson@delaware.gov

Section 17-B: This Self-Report was submitted to JLOSC staff on: June 10, 2022.