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Office of Emergency Medical Services  
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**ADVISORY 23-06-01**

TO: MA Licensed Ambulance Services  
FROM: Susan Lewis, NRP, Director, Office of Emergency Medical Services  
DATE: June 26, 2023  
RE: Clarification of the definition of “first responder” authorized to drive a paramedic ambulance under the temporary minimum staffing requirements of Chapter 2 of the Acts of 2023

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Recently, Governor Healey [enacted legislation](#) under which paramedic-level ALS ambulances may be staffed with one Paramedic and one first responder (who is not a lifeguard) driver, until November 10, 2023. This advisory is to clarify who is included as a first responder under this recently enacted legislation.

Under Section 66 of Chapter 2 of the Acts of 2023, the language, which expires on November 10, 2023, states, “when a class I, II or V ambulance transports a patient receiving care at the paramedic level of advanced life support, ambulance staffing shall satisfy minimum required staffing standards; provided, however, that the ambulance shall be staffed with at least 1 emergency medical technician who at a minimum shall be certified at the paramedic level, and 1 **first responder, as defined in 105 CMR 171.000**, who shall drive the ambulance; provided, however, that “first responder” shall not include lifeguards.” [emphasis added].

Under 105 CMR 171.050, the term “first responder” is defined as a “member of any of the following entities: a police or fire department; state police participating in highway patrol; an emergency reserve unit of a volunteer fire department or fire protection district, and persons appointed permanent or temporary lifeguards by the Commonwealth or any of its political subdivisions. A first responder shall not mean a police officer, firefighter or person engaged in police and fire work whose duties are primarily clerical or administrative.” With the exclusion of the lifeguards, that means that under this temporary minimum staffing requirement for paramedic-level ambulances, **the first responder driver must be a police officer or firefighter only**. This was the same language used in the emergency COVID-19 staffing order as well for paramedic ambulances. To have a person who is not a current police officer or firefighter take the first responder training course and have them drive a paramedic-level ambulance does not meet the minimum staffing standard under the statute. Such an ambulance would be out of

compliance with even the temporary Massachusetts standards for paramedic-level ambulance staffing standards.

Note that this is different from the amendments promulgated to 105 CMR 170.000, *Emergency Medical Services System*, which took effect January 6, 2023, for BLS ambulance staffing. In the regulations, the minimum staffing standard for BLS ambulances was changed to be 1 EMT-Basic and 1 driver who is “trained to the first responder level,” as long as the ambulance service meets the enumerated conditions in the regulations for such staffing. This regulation was specifically written this way, to allow people other than police, firefighters or lifeguards to qualify to drive the BLS ambulance.

If you have any questions, please contact [OEMS.Ambulances@state.ma.us](mailto:OEMS.Ambulances@state.ma.us).