

NOTICE OF INTENT

Department of Health and Hospitals
Bureau of Health Services Financing

Emergency Medical Transportation Services
Ambulance Licensing Standards
(LAC 48:I.6001, 6037, 6057)

The Department of Health and Hospitals, Bureau of Health Services Financing proposes to amend LAC 48:I.6001, §6037, and §6057 in the Medical Assistance Program as authorized by R.S. 36:254, R.S. 40:1231 and R.S.40:1235.2. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq.

The Department Health and Hospitals, Bureau of Health Services Financing adopted provisions governing the minimum licensing standards for ambulance and emergency medical response vehicle services, including ground and air transportation (*Louisiana Register*, Volume 35, Number 3). This Rule clarified and repromulgated the provisions of the April 20, 1998 Rules for the purpose of adopting these provisions in a codified format for inclusion in the *Louisiana Administrative Code*.

House Concurrent Resolution (HCR) 92 of the 2015 Regular Session of the Louisiana Legislature directed the department to amend the provisions governing the licensing standards for ambulance service providers to establish protocols relative to the assessment and transport of patients with cardiac and stroke

emergencies. In compliance with the directives of HCR 92, the department proposes to amend the provisions governing the licensing standards for emergency medical transportation services.

Title 48
PUBLIC HEALTH-GENERAL
Part I. General Administration
Subpart 3. Licensing and Certification

Chapter 60. Emergency Medical Transportation Services

Subchapter A. General Provisions

§6001. Definitions

Appropriate Facility-an institution generally equipped to provide the needed hospital or skilled nursing care for the illness or injury involved. In the case of a hospital, a physician or a physician specialist is available to provide the necessary care required to treat the patient's condition.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1231.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:466 (March 2009), amended LR 41:

Subchapter B. Provider Responsibilities

§6037. Medical Protocol

A. - B. ...

C. These protocols shall include protocols for the care of:

1. - 3. ...

4. suspected cardiogenic chest pain or suspected myocardial infarction;

5. stroke or suspected stroke;

6. - 9. ...

10. unconsciousness or altered mental status;

11. suspected drug overdose;

12. treatment induced unconsciousness, altered mental status, hypotension, or respiratory depression from physician ordered or protocol appropriate paramedic administered narcotics;

13. respiratory failure or respiratory arrest;

14. active seizure;

15. hospital patient destination;

16. pre-hospital diversion;

17. patient with advanced directives;

18. mass casualty incidents;

19. injuries from weapons of mass destruction;

20. pediatric specific care; and

21. traumatic injuries.

D. The EMS service shall adopt the protocols established by the Louisiana Emergency Response Network or develop an agency specific protocol with specific language related to the transportation of the following patients:

1. Acute stroke patients shall be transported to the closest appropriate comprehensive stroke center, primary stroke center, or acute stroke ready hospital, or to the closest appropriate hospital if the patient exhibits a compromise of airway, breathing, or circulatory function.

2. Patients suffering an acute ST elevation myocardial infarction (STEMI) shall be transported to the closest appropriate STEMI receiving center or, when appropriate, a STEMI referring center

3. Repealed.

E. All protocols shall:

1. meet or exceed the requirements of these licensing standards and all applicable federal, state, and local laws;

2. be consistent with the National Standard EMS Scope of Practice and the rulings of the Louisiana EMS Certification Commission;

3. be reviewed annually by the licensed agency's medical director, or the parish medical society; and

4. be submitted to the department no more than 30 days after the implementation of the protocol.

F. Ambulance services are accountable for assuring compliance with applicable protocols by their personnel. Exceptions to these protocols must be reviewed on a case-by-case basis by the physician medical director.

G. Ambulance services must produce, and provide to all personnel, a policy and procedures manual governing the service's operation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1234.E.1 and 40:1235.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:476 (March 2009), amended LR 41:

Subchapter C. Emergency Vehicles - Ground Transportation

§6057. Ambulances

A. - B.5.1. ...

m. one roll per crew member, chemical sealant tape (not duct tape); and

B.5.n. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1235.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:480 (March 2009), amended LR 41:

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule may have a positive impact on family functioning, stability and autonomy as described in R.S. 49:972 as it will aid in improving death outcomes and reducing disability occurrences by providing vital emergency medical transportation services for cardiac and stroke patients.

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule may have a positive impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973 by reducing the financial burden on families who incur costs associated with cardiac and stroke emergencies since these provisions are expected to improve the health outcomes of cardiac and stroke patients.

In compliance with House Concurrent Resolution 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the

staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Interested persons may submit written comments to Cecile Castello, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821 or by email to MedicaidPolicy@la.gov. Ms. Castello is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Thursday, August 27, 2015 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Kathy H. Kliebert

Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

Person Preparing Statement: Cedric Clark Dept.: Health and Hospitals
Phone: 342-2339 Office: Bureau of Health Services
Financing

Return Address: P.O. Box 91030 Rule Title: Emergency Medical
Baton Rouge, LA Transportation Services
Ambulance Licensing Standards

Date Rule Takes Effect: October 20, 2015

SUMMARY

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. The following summary statements, based on the attached worksheets, will be published in the Louisiana Register with the proposed agency rule.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (SUMMARY)

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 15-16. It is anticipated that \$756 (SGF) will be expended in FY 15-16 for the state's administrative expense for promulgation of this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will not affect revenue collections since the licensing fees, in the same amounts, will continue to be collected.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

This Rule is being promulgated to comply with the directives of House Concurrent Resolution 92 of the 2015 Regular Session of the Louisiana Legislature, which authorizes and directs the department to amend the provisions governing the licensing standards for ambulance service providers to establish protocols for the assessment and transport of cardiac and stroke patients. It is anticipated that implementation of this proposed rule will not have economic costs or benefits to emergency medical transportation providers for FY 15-16, FY 16-17, and FY 17-18 since the required licensing fees have not changed.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

C. Castello
Signature of Agency Head
or Designee

Cecile Castello,
Health Standards Section Director
Typed name and Title of
Agency Head or Designee

Bhaskar Joodi
DHH/BHSF Budget Head

Evan Brasseal, Staff Director
Legislative Fiscal Officer
or Designee

7/10/15
Date of Signature

07/09/15
Date of Signature

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberations on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

This Rule is being promulgated to comply with the directives of House Concurrent Resolution 92 of the 2015 Regular Session of the Louisiana Legislature, which authorizes and directs the department to amend the provisions governing the licensing standards for ambulance service providers to establish protocols for the assessment and transport of cardiac and stroke patients.

- B. Summarize the circumstances that require this action. If the action is required by federal regulations, attach a copy of the applicable regulation.

The Department Health and Hospitals, Bureau of Health Services Financing adopted provisions governing the minimum licensing standards for ambulance and emergency medical response vehicle services, including ground and air transportation (Louisiana Register, Volume 35, Number 3). This Rule clarified and repromulgated the provisions of the April 20, 1998 Rules for the purpose of adopting these provisions in a codified format for inclusion in the Louisiana Administrative Code.

House Concurrent Resolution (HCR) 92 of the 2015 Regular Session of the Louisiana Legislature directed the department to amend the provisions governing the licensing standards for ambulance service providers to establish protocols relative to the assessment and transport of patients with cardiac and stroke emergencies. In compliance with the directives of HCR 92, the department proposes to amend the provisions governing the licensing standards for emergency medical transportation services.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session

- (1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

No. It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 15-16. It is anticipated that \$756 will be expended in FY 15-16 for the state's administrative expense for promulgation of this proposed rule and the final rule.

- (2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

- (a) _____ If yes, attach documentation.
(b) _____ If no, provide justification as to why this rule change should be published at this time.

FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET

I. A. COST OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase or (decrease) in cost to implement the proposed action?

COST	FY 15-16	FY 16-17	FY 17-18
PERSONAL SERVICES			
OPERATING EXPENSES	\$756	\$0	\$0
PROFESSIONAL SERVICES			
OTHER CHARGES			
REPAIR & CONSTR.			
POSITIONS (#)			
TOTAL	\$756	\$0	\$0

2. Provide a narrative explanation of the costs or savings shown in "A.1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

In FY 15-16, \$756 will be spent for the state's administrative expense for promulgation of this proposed rule and the final rule.

3. Sources of funding for implementing the proposed rule or rule change.

Source	FY 15-16	FY 16-17	FY 17-18
STATE GENERAL FUND	\$756	\$0	\$0
SELF-GENERATED			
FEDERAL FUND	\$0	\$0	\$0
OTHER (Specify)			
Total	\$756	\$0	\$0

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

Yes, sufficient funds are available to implement this rule.

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THIS PROPOSED ACTION.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustment in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

This proposed rule has no known impact on local governmental units.

FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET

2. Indicate the sources of funding of the local governmental unit that will be affected by these costs or savings.

There is no known impact on the sources of local governmental unit funding.

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

- A. What increase or (decrease) in revenues can be expected from the proposed action?

REVENUE INCREASE/DECREASE	FY 15-16	FY 16-17	FY 17-18
STATE GENERAL FUND			
AGENCY SELF-GENERATED			
RESTRICTED FUNDS*			
FEDERAL FUNDS			
LOCAL FUNDS			
Total			

**Specify the particular fund being impacted*

- B. Provide a narrative explanation of each increase or decrease in revenue shown in "A". Describe all data, assumptions, and methods used in calculating these increases or decreases.

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS

- A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effects on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.)

This Rule is being promulgated to comply with the directives of House Concurrent Resolution 92 of the 2015 Regular Session of the Louisiana Legislature, which authorizes and directs the department to amend the provisions governing the licensing standards for ambulance service providers to establish protocols for the assessment and transport of cardiac and stroke patients.

- B. Also, provide an estimate of any revenue impact resulting from this rule or rule change to these groups.

It is anticipated that implementation of this proposed rule will not have economic costs or benefits to emergency medical transportation providers for FY 15-16, FY 16-17, and FY 17-18 since the required licensing fees have not changed.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

This rule has no known effect on competition and employment.