

TITLE 22. SOCIAL SECURITY
DIVISION 9. PREHOSPITAL EMERGENCY MEDICAL SERVICES
CHAPTER 4. PARAMEDIC

[Notice published on April 5, 2019]

NOTICE OF PROPOSED RULEMAKING

The Emergency Medical Services Authority (“EMS Authority or “EMSA”) proposes to adopt regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

EMSA will hold a public hearing on Monday, May 20, 2019, beginning at 9:00 am and ending at 11:00 am. The location of the public hearing is 10901 Gold Center Drive, Suite. 400, Rancho Cordova, CA 95670. EMSA requests that any person making oral comments also submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to EMSA. Comments may be submitted by mail, facsimile (FAX) at (916) 324-2875, or by e-mail to esam.el-morshedy@emsa.ca.gov. The written comment period closes Monday, May 20, 2019. EMSA will consider only comments received by the end of that day. Submit written comments to:

Esam El-Morshedy
EMS Authority
10901 Gold Center Drive, Suite 400
Rancho Cordova, CA 95670

AUTHORITY AND REFERENCE

The Health and Safety Code, Section 1797.107 authorizes EMSA to adopt the proposed regulations, which would implement, interpret, or make specific Section 1797.116, 1797.172, and 1797.194 of the Health and Safety Code.

INFORMATIVE DIGEST/ POLICY STATEMENT OVERVIEW

The Legislature passed AB 1598 (Rodriguez, Chapter 668, Statutes of 2014) amending Section 1797.116, 1797.172, and 1797.194 of the Health and Safety Code (HSC). The major provision of 1797.116 charges the EMSA with developing training standards that include criteria for the curriculum content in the training of tactical casualty care principles.

These regulations clarify and make specific the methods for training program reviews, approvals and accreditation requirements, and to update applications and licensure processes. Additionally, the required course content will be updated to include the statutory elements found in AB1598 (Rodriquez, Chapter 668, Statutes of 2014) that provide for additional requirements regarding coordination between emergency medical services personnel during terrorism incidents or active shooter events.

Existing statutes require that if the patient has been determined to have an emergency medical condition, and receives advanced life support, they must be transported to a General Acute Care Hospital (GACH) with a Basic Emergency Department (ED) permit (HSC Section 1797.88), and that facility must be the closest appropriate medical facility (HSC Section 1797.114).

The EMS Administrators Association of California (EMSAAC) and EMS Medical Directors Association of California (EMDAC) have developed a position paper positing that once paramedics arrive at an emergency patient, the paramedics may assess and determine that a patient is in a “non-emergency” condition. At that point, a local EMS agency (LEMSA) Medical Director has broad medical control authority to authorize a patient to be transported to any destination, unrestricted by existing statutes, because the patient is not in an “emergency” condition.

The Medical Director of a LEMSAs has broad authority to make medical decisions regarding patient destination from the scene of an emergency and while in transport, pursuant to HSC Sections 1797.220 and 1798. Though existing regulations do not require patient transport, and specifically recognize non-transport as an option, there is much confusion regarding the assessment and transport of patients to alternative destinations by paramedics. These regulations propose the adoption of specific requirements for training, protocols, documentation, and consideration for establishing alternative destinations when paramedics assess and determine that a patient is in a “non-emergency” condition.

The regulations proposed in this rulemaking action intend to: clarify and make specific the methods for training program reviews, clarify and make specific the methods for training program approvals, clarify and make specific the methods training program accreditation requirements, update paramedic applications, update the paramedic licensure processes, add curriculum content for tactical casualty care principles to the required course content, and establish requirements for prehospital triage of patients who are assessed and determined to have a non-emergency condition to an alternative destination for treatment under the medical control of a LEMSAs medical director.

Anticipated Benefits of the Proposed Regulation:

The broad objective of the regulation is to clarify and make specific the methods for training program reviews, approvals and accreditation requirements, update applications and licensure processes, provide for additional requirements regarding coordination between emergency medical services personnel during terrorism incidents or active shooter events, and establish requirements for prehospital triage of patients who are assessed and determined to have a non-emergency condition to an alternative destination for treatment under the medical control of a LEMSA medical director. The specific benefit from the regulations is to protect the welfare and health and safety of the public by ensuring paramedics provide service to the public in a standardized and consistent manner while addressing the emerging issue of active shooter or terrorism events and providing clarity regarding the assessment and transport of “non-emergency” patients to an alternative destination by paramedics. The proposed regulations improve the clarity of paramedic training program and licensure requirements which will lead to consistent state-wide application of the requirements.

Determination of Inconsistency/Incompatibility with Existing State Regulations: EMSA has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. Existing regulations already require paramedics to complete a specified number of continuing education hours and the proposed regulations do not increase those requirements. Existing paramedic training programs are available and will revise their course curriculum to meet the new requirements proposed in these regulations. Existing regulations do not require patient transport, and already specifically recognize non-transport as an option. Finally, the proposed regulations do not impose any requirements upon EMS service providers. EMSA has determined that these regulations will not cause inconsistency or incompatibility with other existing regulations that concern paramedics.

DOCUMENTS INCORPORATED BY REFERENCE

- Form #EMSA-0391, revised 01/17.
- January 2009 United States Department of Transportation (U.S. DOT) National Emergency Medical Services Education Standards DOT HS 811 077 E (<https://www.ems.gov/pdf/National-EMS-Education-Standards-FINAL-Jan-2009.pdf>).
- Initial In-State Paramedic License Application, Form #L-01, revised 03/2019.
- Initial Out-of-State Paramedic License Application Form #L-01A revised 03/2019.
- Initial Challenge Paramedic License Application, Form #CL-01A revised 03/2019.
- Renewal Paramedic License Form #RL-01, revised 03/2019.

- Audit Renewal Paramedic License Application, Form #AR-01, revised 03/2019.
- Reinstatement Paramedic License Application Lapsed Less than One Year, Form #RLL-01A, revised 03/2019.
- Reinstatement Paramedic License Application Lapsed of One Year or More, Form #RLL-01B, revised 03/2019.
- Request for Licensure/Certification Verification, Form #VL-01, revised 03/2019.

DISCLOSURES REGARDING THE PROPOSED ACTION

The EMSA has made the following initial determinations:

- Mandate on local agencies and school districts: None
- Cost or savings to any state agency: EMSA is not aware of any significant cost impacts that a state agency would incur in reasonable compliance with the proposed action. Existing regulations do not require patient transport, and already specifically recognize non-transport as an option. Existing regulations already require paramedics to complete a specified number of continuing education hours and the proposed regulations do not increase those requirements. Existing paramedic training programs are available and will revise their course curriculum to meet the new requirements proposed in these regulations. While a training program may incur a cost to revise their curriculum the cost is not anticipated to be significant. State agencies that may be required to revise their course curriculum include: California Department of Parks and Recreation, California Department of Forestry and Fire Protection (CAL FIRE) and California Highway Patrol (CHP).
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630: None
- Other nondiscretionary cost or savings imposed on local agencies: None
- Cost or savings in federal funding to the state: None
- Cost impact on a representative private person or business: EMSA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. Existing regulations do not require patient transport, and already specifically recognize non-transport as an option. Existing regulations already require paramedics to complete a specified number of continuing education hours and the proposed regulations do not increase

those requirements. Existing paramedic training programs are available and will revise their course curriculum to meet the new requirements proposed in these regulations. While a training program may incur a cost to revise their curriculum the cost is not anticipated to be significant.

- Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None
- Significant effect on housing costs: None
- The proposed regulations may affect small businesses.

Results of the Economic Impact Analysis/Assessment

The EMSA concludes that it is (1) unlikely that the proposal will eliminate any jobs or training programs (2) unlikely the proposal will create any new jobs (3) unlikely the proposal will create any new businesses providing training programs (4) unlikely the proposal will eliminate any existing businesses, and (5) unlikely the regulations will result in the expansion of businesses currently doing business within the state.

Benefits of the Proposed Action: The proposed regulations will benefit California residents by ensuring that all paramedics receive training in the coordination between emergency medical services personnel during terrorism incidents or active shooter events. The regulations will also benefit California residents by ensuring that patients assessed and determined to have a “non-emergency” condition are transported to an alternative destination for further treatment commensurate with their condition. The regulations also enable paramedics to provide service to the public in a standardized and consistent manner and improve the clarity of paramedic licensure requirements and clarify and make specific the methods for training program reviews, approvals and accreditation requirements, leading to consistent state wide application of the requirements.

CONSIDERATION OF ALTERNATIVES

In accordance with Government code section 11346.5, subdivision (a)(13), EMSA must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

EMSA invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSON

Inquiries concerning the proposed regulatory action may be directed to:

The backup contact person is:

Esam El-Morshedy
EMS Authority
10901 Gold Center Drive, Suite 400
Rancho Cordova, CA 95670
(916) 431-3656
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Please direct requests for copies of the proposed text (the “express terms”) of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Esam El-Morshedy at the above address.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The EMSA will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies may be obtained by contacting Esam El-Morshedy at the address or phone number listed above or accessed through our website at www.emsa.ca.gov.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the EMSA may adopt the proposed regulations substantially as described in this notice. If the EMSA makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the EMSA adopts the regulation as revised. Please send requests for copies of the modified regulations to the attention of Esam El-Morshedy at the address or phone number listed above. The EMSA will accept written comments on the modified regulations for 15 days after the date on which they were made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Esam El-Morshedy at the address or phone number listed on the previous page.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout format is available on the EMS Authority website at: website at https://emsa.ca.gov/public_comment/.