

Testimony

Administrative Rules Committee

Wednesday, December 12, 2007

North Dakota Department of Health

Good morning, Chairman Fischer and members of the committee. My name is Tim Meyer, and I am the director of the Division of Emergency Medical Services at the North Dakota Department of Health. I am here to provide testimony on the revisions of North Dakota Administrative Code Section 33-11 Licensing of Emergency Medical Services and North Dakota Administrative Code Section 33-36 Emergency Medical Services Training, Testing, Certification, and Licensure. These changes were promulgated by the Division of Emergency Medical Services and approved by the State Health Council.

In response to the Committee's specific questions:

1. The rules for licensing substation ambulance operations, emergency medical services grants, scope of practice for unlicensed emergency medical services personnel, and scope of practice for emergency medical services professionals resulted from statutory changes made by the Legislative Assembly in the 2007 session. The remainder of the revisions update the rules to be consistent with standards of practice.
2. These changes are not related to any federal statute or regulation.
3. Initially, the Department of Health sought input from the State Emergency Medical Services Advisory Committee. We then drafted a preliminary set of changed rules to submit for public comment. At that point, the department published a Notice of Public Hearing in each of the county newspapers throughout North Dakota. In addition, a mailing of the proposed revisions and new rules was sent to the sponsors and co-sponsors of the legislation and to all licensed ambulance services. The public hearing was held October 2, 2007. Six individuals attended the public hearing. Specific written and oral comments pertaining to the proposed rules were received from a total of three individuals. The proposed revisions were sent to the Office of Attorney General for review of their legality. The department received an approval letter from the Attorney General's office indicating the proposed revisions were approved as to their legality. The rules were adopted by the State Health Council on November 8, 2007.

4. The oral and written comments included:

- Comments in support of the rules as drafted by the North Dakota Emergency Medical Services Association
- A comment requesting that we change the requirements for substation ambulance operation.
- A written comment requesting that we add language in chapter 33-36 that identifies physical standards for emergency medical services personnel who seek recertification or license renewal.

The department carefully reviewed and considered each comment received and made the following recommended changes to the State Health Council:

- Added language to each emergency medical services provider level identified in chapter 33-36 that requires personnel to meet the physical standards in the functional job analysis published by the National Highway Traffic Safety Administration. These standards include basic physical activities like seeing, hearing, walking and lifting.

The State Health Council approved the recommended changes.

5. The approximate cost of public notice, public hearing, and developing and implementing the rules was \$1,400.

6. The purpose of the rule changes was to:

- Add quick response unit licensure standards at the request of industry.
- Add substation ambulance service standards.
- Require the reporting of any crashes involving an ambulance.
- Require ambulance services to transport certain patients to facilities with specific capabilities.
- Require basic life support ambulance services to request assistance from advanced life support ambulance services when that would be in the best interest of the patient.
- Establish standards for the distribution of emergency medical services grants.
- Add language that allows students to practice under the supervision of a field internship preceptor.
- Add language describing the physical requirements for personnel.
- Establish an alternative way for emergency medical technicians to renew licenses.
- Establish pass rate standards for instructors
- Add language in the revocation standards.

- Add criminal background check language.
 - Establish the scopes of practice for unlicensed emergency medical services personnel and professionals.
 - Change language that was outdated.
7. No regulatory analysis was done nor was it required by NDCC 28-32.
 8. No regulatory analysis was done nor was it required by NDCC 28-32. A small entity regulatory analysis and economic impact statement was prepared.
 9. A constitutional takings assessment was not prepared nor required by NDCC 28-32.
 10. NDAC 33-11-08 has been adopted as emergency rules by Governor Hoeven based on North Dakota Century Code 28-32-03 which states: "2. A proposed rule may be given effect on an emergency basis if any of the following grounds exist regarding that rule: a. Imminent peril threatens public health, safety, or welfare, which would be abated by emergency effectiveness;". The department felt that emergency rules were warranted due to:
 - The fact that imminent peril is the impending exposure to the risk of harm to public health, safety, or welfare.
 - Many ambulance services are struggling to maintain operations 24 hours a day, seven days a week with volunteers.
 - The failure of ambulance services would jeopardize public safety.
 - Shifting the burden of response to neighboring ambulance services would cause them additional workload.

This concludes my comments. I am happy to answer any questions you may have.