

NOTICES OF EXEMPT RULEMAKING

The Administrative Procedure Act requires the *Register* publication of the rules adopted by the state's agencies under an exemption from all or part of the Administrative Procedure Act. Some of these rules are exempted by A.R.S. §§ 41-1005 or 41-1057; other rules are exempted by other statutes; rules of the Corporation Commission are exempt from Attorney General review pursuant to a court decision as determined by the Corporation Commission.

NOTICE OF EXEMPT RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 25. DEPARTMENT OF HEALTH SERVICES EMERGENCY MEDICAL SERVICES

[R08-229]

PREAMBLE

- 1. Sections affected**
R9-25-504
- Rulemaking Action**
Amend
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statute: A.R.S. §§ 36-136(F) and 36-2209(A)(2)
Implementing statute: A.R.S. §§ 36-2204 and 36-2205(E)
Statute or session law authorizing the exemption: A.R.S. § 36-2205(C)
- 3. The effective date of the rules:**
July 9, 2008
- 4. A list of all previous notices appearing in the *Register* addressing the exempt rule:**
Not applicable
- 5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
Name: Terry Mullins, Bureau Chief
Address: Department of Health Services
Bureau of Emergency Medical Services and Trauma System
150 N. 18th Ave., Suite 540
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Telephone: (602) 364-3150
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or
Name: Kathleen Phillips, Rules Administrator and Administrative Counsel
Address: Department of Health Services
Office of Administrative Rules and Administrative Counsel
1740 W. Adams St., Suite 200
Phoenix, AZ 85007
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- 6. An explanation of the rule, including the agency's reasons for the rule, including the statutory citation to the exemption from regular rulemaking procedures:**
The purpose of this rulemaking is to implement Laws 2008, Ch. 103, effective April 28, 2008. Specifically, this rule-making implements the change made to A.R.S. § 36-2204 that requires the Medical Director of Emergency Medical

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Services and the Emergency Medical Services Council (EMS Council) to recommend to the Director standards and criteria to allow an ambulance to transport a patient to a health care institution licensed as a special hospital and that is physically connected to an emergency receiving facility.

The standards and criteria for transporting a patient to a medical provider are adopted pursuant to A.R.S. § 36-2205. A.R.S. § 36-2205(E) requires the Director, in consultation with the EMS Council and the Medical Direction Commission (MDC), to establish protocols for emergency medical providers to refer and advise or transport a patient by the most appropriate means to the most appropriate provider of medical services based on the patient's condition. A.R.S. § 36-2205(C) exempts the protocols established pursuant to A.R.S. § 36-2205 from Title 41, Chapter 6.

The Department, in consultation with the EMS Council and MDC, has established transport protocols, through the exempt rulemaking process, in Title 9, Chapter 25, Article 5. R9-25-504 contains the protocol for selection of a health care institution for an emergency medical patient transport. The Department is amending R9-25-504 to include transport to a health care institution licensed as a special hospital and that is physically connected to an emergency receiving facility.

- 7. **A reference to any study relevant to the rule that the agency reviewed and either relied on in its evaluation of or justification for the rule or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**
None
- 8. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable
- 9. **The summary of the economic, small business, and consumer impact:**
Not applicable
- 10. **A description of the changes between the proposed rules, including supplemental notices, and final rules, (if applicable):**
Not applicable
- 11. **A summary of the comments made regarding the rule and the agency response to them:**
Not applicable
- 12. **Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**
Not applicable
- 13. **Incorporations by reference and their location in the rules:**
None
- 14. **Was this rule previously made as an emergency rule? If so, please indicate the Register citation:**
No
- 15. **The full text of the rules follows:**

TITLE 9. HEALTH SERVICES

CHAPTER 25. DEPARTMENT OF HEALTH SERVICES
EMERGENCY MEDICAL SERVICES

ARTICLE 5. MEDICAL DIRECTION PROTOCOLS FOR EMERGENCY MEDICAL TECHNICIANS

Section

R9-25-504. Protocol for Selection of a Health Care Institution for Emergency Medical Patient Transport

ARTICLE 5. MEDICAL DIRECTION PROTOCOLS FOR EMERGENCY MEDICAL TECHNICIANS

R9-25-504. Protocol for Selection of a Health Care Institution for Emergency Medical Patient Transport

A. In this Section:

- 1. "Emergency receiving facility" ~~has the same meaning~~ means the same as in A.R.S. § 36-2201.
- 2. "Transfer care" means to relinquish to the control of another the ongoing medical treatment of an emergency medical patient.
- 3. "Special hospital" means the same as in A.A.C. R9-10-201.

B. An EMT shall, except as provided in subsection (C), transport an emergency medical patient to ~~an emergency receiving~~

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facility:

1. An emergency receiving facility, or
2. A special hospital that is physically connected to an emergency receiving facility.

- C. Under A.R.S. §§ 36-2205(E) and 36-2232(F), an EMT who responds to an emergency medical patient who has accessed 9-1-1 or a similar public dispatch number may refer, advise, or transport the emergency medical patient to the most appropriate health care institution, if the EMT:
1. Determines, based upon medical direction, that the emergency medical patient's condition does not pose an immediate threat to life or limb;
 2. Provides the emergency medical patient with a written list of health care institutions that are available to deliver emergency medical care to the emergency medical patient. The list shall:
 - a. Include the name, address, and telephone number of each health care institution;
 - b. If a health care institution is licensed under A.R.S. Title 36, Chapter 4, identify the classification or subclassification of the health care institution assigned under 9 A.A.C. 10; and
 - c. Only include a health care institution that the administrative medical director has determined is able to accept an emergency medical patient; and
 3. Determines, based upon medical direction, the health care institution to which the emergency medical patient may be transported, based on the following:
 - a. The patient's:
 - i. Medical condition,
 - ii. Choice of health care institution, and
 - iii. Health care provider; and
 - b. The location of the health care institution and the emergency medical resources available at the health care institution.
- D. Before initiating transport of an emergency medical patient, an EMT, emergency medical services provider, or ambulance service shall notify, by radio or telephone communication, a health care institution that is not an emergency receiving facility of the EMT's intent to transport the emergency medical patient to the health care institution.
- E. An EMT transporting an emergency medical patient to a health care institution that is not an emergency receiving facility shall transfer care of the emergency medical patient to a designee authorized by:
1. A physician licensed under A.R.S. Title 32, Chapter 13 or 17;
 2. A physician assistant licensed under A.R.S. Title 32, Chapter 25; or
 3. A registered nurse licensed under A.R.S. Title 32, Chapter 15.
- F. Before implementing this rule, an emergency medical services provider or an ambulance service shall notify the Department in writing of the intent to implement the rule.
- G. An emergency medical services provider or an ambulance service that implements this rule shall make available for Department review and inspection written records relating to the transport of an emergency medical patient under subsections (C), (D), and (E).