

TITLE 22. SOCIAL SECURITY
DIVISION 9. PREHOSPITAL EMERGENCY MEDICAL SERVICES
EMERGENCY MEDICAL SERVICES AUTHORITY

NOTICE IS HEREBY GIVEN that the Emergency Medical Services Authority (EMSA) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the proposed action at a public hearing to be held at the Emergency Medical Services Authority, 10901 Gold Center Drive, Suite 400, Rancho Cordova, CA 95670, at 10:00am, or as soon as practicable thereafter, on January 18, 2022. Written comments, including those sent by mail, facsimile, or e-mail to addresses listed under Contact Person in this Notice, must be received by EMSA at its office January 17, 2022, or must be received by EMSA at the public hearing. EMSA may thereafter adopt the proposal substantially as described below or may modify the proposal if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as the contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: The Health and Safety Code Sections 1797.107, 1830, and 1831 authorizes EMSA to adopt the proposed regulations, which would implement, interpret, clarify, or make specific Sections 1797.72, 1797.76, 1797.102, 1797.105, 1797.107, 1797.112, 1797.117, 1797.172, 1797.194, 1797.202, 1797.206, 1797.208, 1797.227, 1797.250, 1797.252, 1797.254 1801, 1811, 1812, 1813, 1830, 1831, 1832, 1833, 1835, 1840, 1841, 1842, 1843, 1851, 1852, 1853, 1854, 1855, 1856, and 1857 of the Health and Safety Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act (Health and Safety Code Division 2.5) created EMSA and outlined its authorities, duties, and responsibilities. Included in the act are the authority and procedures for promulgating regulation (Health and Safety Code section 1797.107), and requiring new regulations be developed for the Community Paramedicine and Triage to Alternate Destination programs (Health and Safety Code sections 1830 and 1831), providing minimum medical protocols (Health and Safety Code section 1832), providing plan review for either program or both (Health and Safety Code section 1835), provide the minimum stands for training and accreditation and the processes necessary for either or both programs (Health and Safety Code Sections 1852 and 1853), as well as provide for discipline (Health and Safety Code Section 1855), as well as

other necessary processes and procedures as it pertains to a Community Paramedicine and/or Triage to Alternate Destination as authorized by Assembly Bill 1544 (Statutes 2020, Chapter 138) [hereafter AB 1544].

EMSA established an advisory workgroup per the requirements of AB 1544 that began meeting in February of 2021. The workgroup reviewed an original draft and provided input resulting updates and revisions throughout and numerous additions. The material provided by a committee of the advisory workgroup is included as a report that was relied upon by EMSA in the creation of this proposed regulatory action.

These regulations seek to address these various issues. The proposal provides clarification and specification of how a Local EMSA Agency (LEMSA) shall apply for approval from EMSA to operate one or more program and how to renew that approval. It provides for procedures for establishing programs and training programs, as well as the minimum requirements for training programs in these areas. Additionally, this provides the process for EMS personnel to obtain accreditation and how that status is to be maintained. These regulations also require various data and information be collected and submitted both for general health purposes as well as for reporting results to the legislature in 2023 as required by AB 1544.

Specifically, the regulatory proposal is as follows:

1. Adopt section 100181 of Division 9 of Title 22 of the California Code of Regulations

This section provides only LEMSA approved training programs may offer necessary training for either Community Paramedicine and/or Triage to Alternate Destination. The method for an out-of-state paramedic to temporarily operate in a LEMSA, verification that a paramedic is qualified by the employer, and a requirement for reporting issues with specific paramedics.

2. Adopt section 100181.1 of Division 9 of Title 22 of the California Code of Regulations

This section establishes the roles, responsibilities, and requirements for the LEMSAs.

3. Adopt section 100181.2 of Division 9 of Title 22 of the California Code of Regulations

This section allows LEMSAs to establish fees to cover the costs of the program and for collection of funds to be remitted to EMSA.

4. Adopt section 100182 of Division 9 of Title 22 of the California Code of Regulations

This section provides the requirements for a Community Paramedicine site, as well as oversight by the LEMSA and procedures for withdrawing or disciplining the sites by the LEMSA.

5. Adopt section 100182.1 of Division 9 of Title 22 of the California Code of Regulations

This section provides the same requirements as section 100182, but for Triage to Alternate Destination sites.

6. Adopt section 100183 of Division 9 of Title 22 of the California Code of Regulations

This section provides the requirements for a LEMSA to obtain approval from EMSA to operate a establish a Community Paramedicine and/or Triage to Alternate Destination program.

7. Adopt section 100183.1 of Division 9 of Title 22 of the California Code of Regulations

This section provides the authority and procedures for EMSA to suspend or revoke a previously approved program.

8. Adopt section 100184 of Division 9 of Title 22 of the California Code of Regulations

This section establishes an EMS Plan Annex for reviewing approved programs as part of the annual EMS plan.

9. Adopt section 100185 of Division 9 of Title 22 of the California Code of Regulations

This section establishes Quality Improvement and Evaluation Process requirements for approved programs.

10. Adopt section 100186 of Division 9 of Title 22 of the California Code of Regulations

This section establishes requirements for record keeping, collection, submission, and maintenance of data and information for these programs.

11. Adopt section 100187 of Division 9 of Title 22 of the California Code of Regulations

This section provides for the procedures for capture and submission of records and information collected by the providers of the Community Paramedicine program.

12. Adopt section 100188 of Division 9 of Title 22 of the California Code of Regulations

This section provides for the procedures for the capture and submission of records and information collected by the facilities that are part of the Triage to Alternate Destination program.

13. Adopt section 100189 of Division 9 of Title 22 of the California Code of Regulations

This section provides for the procedures for the capture and submission of records and information collected by the paramedics specific to either or both of these programs.

14. Adopt section 100190 of Division 9 of Title 22 of the California Code of Regulations

This section establishes the duties and responsibilities of the LEMSA for approving and overseeing training programs within its geographical area. It also provides the minimum standards a program must be to be approved. Additionally, it provides procedures for taking action against a training program as might be necessary.

15. Adopt section 100191 of Division 9 of Title 22 of the California Code of Regulations

This section provides the minimum requirements for medical director, program director, and instructors for Community Paramedicine training programs. It also provides a list of required duties for the program director.

16. Adopt section 100191.1 of Division 9 of Title 22 of the California Code of Regulations

The section establishes the minimum educational standards for a Community Paramedicine training programs.

17. Adopt section 100191.2 of Division 9 of Title 22 of the California Code of Regulations

This section establishes the minimum requirements for completion of the Community Paramedicine training programs.

18. Adopt section 100192 of Division 9 of Title 22 of the California Code of Regulations

This section provides the minimum requirements for medical director, program director, and instructors for Triage to Alternate Destination training programs. It also provides a list of required duties for the program director.

19. Adopt section 100192.1 of Division 9 of Title 22 of the California Code of Regulations

The section establishes the minimum educational topics for a Triage to Alternate Destination training programs.

21. Adopt section 100192.2 of Division 9 of Title 22 of the California Code of Regulations

This section establishes the minimum requirements for completion of the Triage to Alternate Destination training programs.

22. Adopt section 100193 of Division 9 of Title 22 of the California Code of Regulations

This section establishes the scope of practice for paramedics in these programs.

23. Adopt section 100194 of Division 9 of Title 22 of the California Code of Regulations

This section establishes the accreditation for a Community Paramedicine paramedic including the LEMSA's responsibilities and the duration of an accreditation.

24. Adopt section 100194.1 of Division 9 of Title 22 of the California Code of Regulations

This section establishes the process and requirements for a paramedic to receive an initial accreditation for Community Paramedicine.

25. Adopt section 100194.2 of Division 9 of Title 22 of the California Code of Regulations

This section establishes the process and requirements for a paramedic to renew an accreditation for Community Paramedicine.

26. Adopt section 100194.3 of Division 9 of Title 22 of the California Code of Regulations

This section establishes the process and requirements for a paramedic to reinstate and expired accreditation for Community Paramedicine.

27. Adopt section 100195 of Division 9 of Title 22 of the California Code of Regulations

This section establishes the accreditation for a Triage to Alternate Destination paramedic including the LEMSA's responsibilities and the duration of an accreditation.

28. Adopt section 100195.1 of Division 9 of Title 22 of the California Code of Regulations

This section establishes the process and requirements for a paramedic to receive an initial accreditation for Triage to Alternate Destination.

29. Adopt section 100195.2 of Division 9 of Title 22 of the California Code of Regulations

This section establishes the process and requirements for a paramedic to renew an accreditation for Triage to Alternate Destination.

30. Adopt section 100195.3 of Division 9 of Title 22 of the California Code of Regulations

This section establishes the process and requirements for a paramedic to reinstate and expired accreditation for Triage to Alternate Destination.

31. Adopt section 100196 of Division 9 of Title 22 of the California Code of Regulations

This section establishes discipline guidelines and licensing requirement for paramedics in these programs.

Anticipated Benefits of the Proposed Regulations:

These regulations will provide clarity and specificity in the implementation of the EMS system standards and guidelines required by the Community Paramedicine or Triage to Alternate Destination act commencing with section 1800 of the Health and Safety Code (HSC). This allows LEMSAs to adopt either or both of these programs as alternatives to address community needs for additional health care options (Community Paramedicine) or allow ambulances to take appropriate patients to specified alternate destinations thereby decreasing emergency room volume, decreasing transfers of these types of patients, which would increase the availability of local ambulances to respond to calls. The regulations provide a basic framework of procedures for approving programs, requirements for training programs, and creates a new accreditation for paramedics who are trained to participate in these programs. All of these will benefit the health and welfare of Californians by creating more access to healthcare, more efficient response time, and ensure proper training of the personnel within the programs.

Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations and amendments, EMSA has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

FORM INCORPORATED BY REFERENCE

CP/TAD Annex (8/2021)

DISCLOSURES REGARDING THE PROPOSED ACTION

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. Under statutory law, a LEMSA is not required to implement any of these programs. It is optional. However, those LEMSAs choosing to implement one or both of these programs are required to meet minimum standards for the programs and training to be established by EMSA. These regulations establish those standards as well as necessary procedures for implementation.

Cost or savings in federal funding to the state: None

Local mandate: None

Nondiscretionary costs or savings to local agencies: None

Cost to any local agency or school district which must be reimbursed in accordance with Government Code Section 17500-17630: None

Cost impact on a representative private person or business: EMSA is not aware of any costs impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The proposed regulations represent an option for LEMSAs to establish these programs, not a requirement. Furthermore, persons or businesses who might wish to participate will also be opting into the programs, not required.

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

Effect on small businesses: The proposed regulations may affect small businesses.

RESULTS OF ECONOMIC IMPACT ANALYSIS/ASSESSMENT

Economic Impact Assessment:

The Authority concludes that it is: (1) unlikely that the proposal will eliminate any jobs or LEMSAs; (2) unlikely the proposal will create any new jobs initially at the local and state level but may result in new jobs over time at the local and state level as the EMS systems grow and mature; (3) unlikely the proposal will create any new businesses or LEMSAs; (4) unlikely the proposal will eliminate any existing

businesses or LEMSAs; and (5) unlikely the regulations will result in the expansion of businesses or LEMSAs currently operating in the state.

Setting the standards for these programs will ensure a foundation for all Californians and provide guidance to LEMSAs wishing to establish these programs. The programs could promote access to healthcare, particularly for underserved populations, and allow ambulances not to spend as much time at emergency departments waiting to offload patients, which would increase the number of ambulances available to respond to emergency calls. Both of these are beneficial to the health and welfare of residents. The regulations will have no impact on worker safety or the environment.

CONSIDERATION OF ALTERNATIVES

EMSA must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either 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 proposal described in this Notice, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may present statements or arguments with respect to alternatives to the proposed regulations during the written comment period or at the scheduled hearing.

INITIAL STATEMENT OF REASONS, TEXT OF THE PROPOSAL, FINAL STATEMENT OF REASONS, AND RULEMAKING FILE

Copies of the proposed text, any document incorporated by reference, and the initial statement of reasons by contacting the person named below.

All information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

A copy of the final statement of reasons can be obtained once it has been completed, by making a request to the contact person named below or by accessing the website listed below.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the proposed text are available on the EMSA website at https://emsa.ca.gov/public_comment/

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Kent Gray, Regulations Manager
EMS Authority
Address: 10901 Gold Center Drive, Suite 400
Rancho Cordova, CA 95670
Telephone: (916) 384-1476
Fax: (916) 324-2875
E-Mail: Kent.Gray@emsa.ca.gov

The backup contact person is:

Name: Jennifer Lim, Deputy Director of Legislative, Regulatory, and External Affairs
EMS Authority
Address: 10901 Gold Center Drive, Suite 400
Rancho Cordova, CA 95670
Telephone: (916) 431-3700
Fax: (916) 324-2875
E-Mail: Jennifer.Lim@emsa.ca.gov