



**State of Louisiana**  
Department of Health and Hospitals  
Office of the Secretary

September 14, 2015

**MEMORANDUM**

**TO:** The Honorable John A. Alario, President, Louisiana Senate  
The Honorable Chuck Kleckley, Speaker of the House  
The Honorable David Heitmeir, Chair, Senate Committee on Health and Welfare  
The Honorable Scott Simon, Chair, House Committee on Health and Welfare  
The Honorable Jack Donahue, Chair, Senate Finance Committee  
The Honorable James R. "Jim" Fannin, Chairman, House Appropriations Committee

**FROM:** Kathy H. Kliebert  
Secretary

**RE:** Oversight Report on Bureau of Health Services Financing Proposed Rulemaking

In accordance with the Administrative Procedure Act (R.S. 49:950 et seq.) as amended, we are **resubmitting the Oversight Report for Emergency Medical Transportation Services – Ambulance Licensing Standards**. The Department submitted the original report for this proposed Rule on September 10, 2015, and subsequently determined that a corrected Oversight Report should be submitted to ensure that all of the requirements of the Act are satisfied.

The Department published a Notice of Intent on this proposed Rule in the July 20, 2015 issue of the *Louisiana Register* (Volume 41, Number 7). A public hearing was held on August 27, 2015 at which representatives of Acadian Ambulance, representatives of Louisiana Ambulance Alliance, and Department of Health and Hospitals staff were present. Oral testimony was given by Dr. Chuck Burnell with Acadian Ambulance, and written comments were received from Mr. Curry Landry on behalf of Donna Newchurch with Louisiana Ambulance Alliance regarding this proposed Rule.

The Department anticipates adopting the Notice of Intent as a final Rule in the October 20, 2015 issue of the *Louisiana Register*.

The following documents are attached:

1. a copy of the Notice of Intent
2. the public hearing certification
3. the public hearing attendance roster
4. a summary of oral testimony at the public hearing;
5. a summary of written comments received by the agency; and
6. the agency's response to comments.

KHK/WJR/CEC

Attachments (6)

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 of 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**

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*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.

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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



**State of Louisiana**  
Department of Health and Hospitals  
Bureau of Health Services Financing

**PUBLIC HEARING CERTIFICATION**  
**August 27, 2015**  
**9:30 a.m.**

RE: Emergency Medical Transportation Services  
Ambulance Licensing Standards  
Docket # 082715-02  
Department of Health and Hospitals  
State of Louisiana

CERTIFICATION

In accordance with LA R.S. 49:950 et seq., the attached public hearing agenda, together with one digital recording of the public hearing conducted August 27, 2015 in Baton Rouge, Louisiana constitute the official record of the above-referenced public hearing.

A handwritten signature in black ink, appearing to read "Cedric Clark", written over a horizontal line.

Cedric Clark  
Medicaid Policy and  
Compliance Section

08/27/15  
Date

# DHH/BHSF PUBLIC HEARING

## Topic – **Emergency Medical Transportation Services; Ambulance Licensing Standards**

Date – August 27, 2015

### PERSONS IN ATTENDANCE

Name	Address	Telephone Number	AGENCY or GROUP you represent
1. Cornette Scott	628 N. 4th Street Baton Rouge, LA 70802	225-342-3881	DHH - Medicaid Policy and Compliance
2. Curry Landry	301 Main St Baton Rouge, LA 70825	225-663-2758	La. Ambulance Alliance
3. Donna Newchurch	301 Main St BR 70805	225-663- 2758	LA Ambulance Alliance
4. Chuck BURNELL	2416 North University Lafayette LA	337291-1555	AZADAN
5. Dorakne	628 N 4th St. BR, LA 70802	225-342-6096	DHH/HSS
6. Joya ERWIN	" "	225-342-2449	DHH/HSS

## SUMMARY OF PUBLIC HEARING TESTIMONY

**Proposed Rule:** Emergency Medical Transportation Services- Ambulance Licensing Standards Notice of Intent  
**Public Hearing Date:** August 27, 2015  
**Docket No. :** 082715-02  
**Conducted By:** Department of Health and Hospitals, Bureau of Health Services Financing Staff

<b>Oral Testimony Given By</b>	<b>Organization Represented</b>	<b>Summary of Comments</b>
Dr. Chuck Brunell	Representing Louisiana Acadian Ambulance	<p>Recommends that the language in §6037(D) be suggestive and not mandatory. Specifically, the Alliance suggests that the language be changed from “acute stroke patients shall be transported...” to “acute patients should be transported”.</p> <p>The proposed rule does not consider the medical direction from communications with medical control during an emergency transport.</p> <p>EMS practitioners and physicians should have discretion on decisions about the treatment and transportation/destination of patients on a case-by-case basis.</p> <p>This strict mandate by rule would prohibit that flexibility.</p>

## SUMMARY OF WRITTEN COMMENTS

**Proposed Rule:** Emergency Medical Transportation Services - Licensing Standards Notice of Intent  
**Public Hearing Date:** August 27, 2015  
**Docket No. :** 082715-02  
**Conducted By:** Department of Health and Hospitals, Bureau of Health Services Financing Staff

<b>Written Comments Received From</b>	<b>Mode of Receipt</b>	<b>Summary of Comments</b>
Donna Newchurch with Louisiana Ambulance Alliance	Via email from Curry Landry	<ol style="list-style-type: none"><li>1. Recommends that the language in §6037(D) be suggestive and not mandatory. Specifically, the Alliance suggests that the language be changed from “acute stroke patients shall be transported...” to “acute patients should be transported”.</li><li>2. The proposed rule does not consider the medical direction from communications with medical control during an emergency transport. EMS practitioners and physicians should have discretion on decisions about the treatment and transportation/destination of patients on a case-by-case basis.</li><li>3. This strict mandate by rule would prohibit that flexibility.</li><li>4. The provider impact statement in the notice of intent is not accurate. There will most certainly be costs to providers.</li></ol>



**State of Louisiana**  
Department of Health and Hospitals  
Bureau of Health Services Financing

September 14, 2015

Donna Newchurch  
Louisiana Ambulance Alliance  
5010 Hwy 1  
Napoleonville, LA 70390

Dear Ms. Newchurch:

**RE: Emergency Medical Transportation Services – Ambulance Licensing Standards**

Thank you for alerting us to an error in the Department's September 10, 2015 correspondence involving the name of the organization you represent. Please accept our sincere apologies for the inaccurate reference. As a result of your communication with our office, the above information has been revised and our files updated accordingly. The Department's response of September 10, 2015 is unchanged and follows below in its entirety.

This letter is in response to your correspondence regarding the Notice of Intent for Emergency Medical Transportation Services – Ambulance Licensing Standards which was published in the July 20, 2015 edition of the *Louisiana Register*.

The Notice of Intent proposes 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.

The Department has noted your concerns regarding this matter and wants to thank you for taking the time to provide comments. We hope that you will continue to work with us as we strive to improve health care outcomes for Louisiana citizens.

Should you have any questions or comments regarding Medicaid administrative rulemaking activity or rulemaking activity relative to the health care licensing standards,

Donna Newchurch Response  
September 14, 2015  
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you may contact Veronica Dent, Medicaid Program Manager, at 225-342-3238 or by email to [Veronica.Dent@la.gov](mailto:Veronica.Dent@la.gov).

Sincerely,

A handwritten signature in cursive script that reads "Cecile Castello".

Cecile Castello  
Health Standards Section Director

CC/DB/VYD

c: Kimberly Humbles  
Lou Ann Owen