

MINUTES
SENATE HEALTH & WELFARE COMMITTEE

- DATE:** Thursday, January 19, 2012
- TIME:** 3:00 P.M.
- PLACE:** Room WW54
- MEMBERS PRESENT:** Chairman Lodge, Vice Chairman Broadsword, Senators Darrington, Smyser, Heider, Vick, Bock, and Schmidt
- ABSENT/ EXCUSED:** Senator Nuxoll
- NOTE:** The sign-in sheet, testimonies, and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.
- INTRODUCTION:** **Chairman Lodge** called the meeting to order at 3:03 p.m. and welcomed Committee members, as well as those in attendance. She explained that **Senator Nuxoll** was excused from the hearing to welcome a new grandchild into her family.
- MINUTES APPROVAL:** **Chairman Lodge** then stated that the Committee would begin with approval of the minutes. **Senator Heider** moved, seconded by **Senator Schmidt**, to approve the minutes of January 11, 2012. The motion carried by **voice vote**.
- MINUTES:** **Chairman Lodge** then passed the gavel to **Vice Chairman Broadsword** to conduct the rules review. **Vice Chairman Broadsword** welcomed the first presenter, **Wayne Denny**, Bureau Chief of the Emergency Medical Services Bureau, Division of Public Health, Department of Health & Welfare (Department). **Mr. Denny** began his presentation with a review of the history of the EMS Rules and the work of the task force convened to update these rules (see Attachment #1).
- DOCKET NO. 16-0101-1101** **Rules Relating to Emergency Medical Services (EMS) - Advisory Committee (Pending).** **Mr. Denny** stated that while the EMS Advisory Committee (EMSAC) is well-represented by the Idaho EMS Physician Commission members, one of the stakeholder groups that is not well represented is Idaho Department of Transportation's (ITD) Office of Highway Operations and Safety. Due to the large number of EMS calls each year that are related to motor vehicle accidents, the proposed change is to designate one of the seats on the EMS Physician Commission to the ITD's Office of Highway Operations and Safety. **Mr. Denny** requested that the Committee approve **Docket No. 16-0101-1101**.
- Supporting documents related to this testimony have been archived and can be accessed in the office of the Committee Secretary (see Attachment #2).
- MOTION:** **Senator Darrington** moved, seconded by **Senator Smyser**, that the Committee adopt **Docket No. 16-0101-1101**. The motion carried by **voice vote**.
- DOCKET NO. 16-0107-1101** **Rules Relating to Emergency Medical Services (Pending).** **Mr. Denny** advised that this rule provides for the licensing of EMS personnel, including: 1) standards and requirements for personnel licensure, including a description of the process by which an individual can regain an EMS personnel license after it has been lapsed for more than two years; 2) application process; 3) continuing education requirements; and 4) scope of practice including definitions and terminology for best practice of national standards. **Mr. Denny** requested that the Committee approve **Docket No. 16-0107-1101**.
- Supporting documents related to this testimony have been archived and can be accessed in the office of the Committee Secretary (see Attachment #3).

Vice Chairman Broadsword asked for an explanation of the acronym "AEMT." **Mr. Denny** responded that "AEMT" stands for Advanced Emergency Medical Technician.

Senator Schmidt asked if much feedback regarding the CLE process was received during rulemaking negotiations. **Mr. Denny** advised this was discussed at length and the rule allows an individual the ability, hopefully with the advice of their medical director, to set up individualized training that might be best for them and they can build continuing education around specialty requirements. He further advised that the education requirements for the four levels of licensed personnel - Emergency Medical Responder (EMR), Emergency Medical Technician (EMT), Advanced Emergency Medical Technician (AEMT) and Paramedic - are referenced in code. **Vice Chairman Broadsword** asked if the requirements are the same for volunteer personnel and those in for profit organizations. **Mr. Denny** responded that they are.

MOTION: **Senator Schmidt** moved, seconded by **Senator Heider**, that the Committee adopt **Docket No. 16-0107-1101**. The motion carried by **voice vote**.

DOCKET NO. 16-0107-1102 **Rules Relating to Emergency Medical Services (Pending Fee).** **Mr. Denny** stated that this docket is a companion to the personnel licensure rules and contains licensure fees for EMS personnel. The fees contained in these rules are unchanged from those that currently exist. The EMS Bureau is asking for no new or increased fees. **Mr. Denny** requested that the Committee approve **Docket No. 16-0107-1102**. Supporting documents related to this testimony have been archived and can be accessed in the office of the Committee Secretary (see Attachment #4).

MOTION: **Chairman Lodge** moved, seconded by **Senator Heider**, that the Committee adopt **Docket No. 16-0107-1102**. The motion carried by **voice vote**.

In response to a question from **Vice Chairman Broadsword**, **Mr. Denny** advised that the initial fee for an Advanced Emergency Medical Technician and Paramedic are the same, \$35.00; the renewal fee is \$25.00.

DOCKET NO. 16-0112-1101 **Rules Relating to Emergency Medical Services (Pending).** **Mr. Denny** stated that this group of rules direct the EMS Bureau's management of complaints and investigations. The number of complaints resulting in investigations processed by the EMS Bureau has grown from 13 in FY2005 to over 35 since July 1, 2011. Three years ago, an existing EMS Bureau staff position was reclassified to a full-time investigator due to the marked increase in complaints. The EMS Bureau's previous rules lacked the depth and specificity needed to conduct effective investigations that would result in defensible outcomes. The majority of this docket provides new language in the temporary rules, and is based on the work done during the negotiated rulemaking process. It provides requirements for: 1) filing complaints and disclosure of records; 2) handling investigations of complaints and compliance with licensing standards; 3) enforcement and disciplinary actions; and 4) notification of disciplinary actions. **Mr. Denny** requested that the Committee approve **Docket No. 16-0112-1101**.

Supporting documents related to this testimony have been archived and can be accessed in the office of the Committee Secretary (see Attachment #5).

Vice Chairman Broadsword noted there is no minimum fine listed in the rule. **Mr. Denny** advised the minimum would be zero and stated that would be the last tool of compliance; a fine has not been levied to date. **Senator Darrington** asked if those involved in the peer review process are subject to liability. **Mr. Denny** responded that he could not answer for certain, but he suspects they would be shielded from liability.

Chairman Lodge noted the increase in complaints in recent years, and asked what area those complaints involve. **Mr. Denny** indicated that the increase is in part due to quality assurance processes put into place within the Bureau and many complaints are internal and discovered by the Bureau in this process. They may be related to improper utilization of vehicles to forged signatures discovered in an audit of renewal applications. He stated that a small amount are patient care related. **Chairman Lodge** commented that it is good to know that many complaints are not patient care related.

In response to a question from **Senator Heider** related to license renewal, **Mr. Denny** advised that all personnel are required to complete a course prior to licensing. He stated that then the license renewal cycle is three years for EMR and EMT and two years for AEMT and Paramedic. During that time they must complete continuing education requirements; no specific course is required for license renewals.

MOTION: **Senator Heider** moved, seconded by **Senator Bock**, that the Committee adopt **Docket No. 16-0112-1101**. The motion carried by **voice vote**.

DOCKET NO. 16-0203-1101 **Rules Relating to Emergency Medical Services (Pending)**. **Mr. Denny** stated that this is merely a housekeeping docket. The rules are the remaining elements from current rules that will not be replaced by the new EMSAC, personnel, or investigation rules. The changes to the proposed text in this docket remove those items that have been placed into the rule adopted under **Docket 16-0101-1101**. This docket is necessary in order to enable the other pending rules presented but contains no substantive changes. **Mr. Denny** requested that the Committee approve **Docket No. 16-0203-1101**.

Supporting documents related to this testimony have been archived and can be accessed in the office of the Committee Secretary (see Attachment #6).

MOTION: **Senator Smyser** moved, seconded by **Chairman Lodge**, that the Committee adopt **Docket No. 16-0203-1101**. The motion carried by **voice vote**.

DOCKET NO. 16-0202-1101 **Rules Relating to Emergency Medical Services Physician Commission (Pending)**. **Dr. Murry Sturkie**, an emergency medicine physician at St. Luke's Medical Center and the Chairman of the Idaho Emergency Medical Services Physician Commission (Commission), advised that the Commission maintains a Standards Manual that, among other things, describes the skills, treatments and procedures that licensed EMS personnel in Idaho may perform. The Commission, during quarterly meetings, refines the Standards Manual to reflect current best practices in emergency medical services. This rule incorporates the latest version of the Standards Manual (see Attachment #7) which is incorporated by reference in this rule. **Dr. Sturkie** provided the Committee with a "Summary of Changes to the EMS Physician Commission Standards Manual 2011-1 to 2012-1" (see Attachment #8) and detailed the changes that have been made to the 2012 version of the Standards Manual. He requested that the Committee approve **Docket No. 16-0202-1101**.

Supporting documents related to this testimony have been archived and can be accessed in the office of the Committee Secretary (see Attachment #9).

Senator Bock noted that the copy of the Standards Manual is marked as a "draft," and indicates an effective date of July 1, 2012. He asked if other changes will be made to the 2012 draft version of the Standards Manual. **Dr. Sturkie** responded that no other changes are anticipated; that the Standards Manual is printed as a draft until approved by the committee. **Senator Bock** further inquired what the parameters are if something needs to be done to save the life of a patient that is outside the responder's scope of practice. **Dr Sturkie** advised that there is immunity for actions within the scope of practice; and if someone does something beyond what they have been trained to do and outside the scope of practice, they would be subject to liability. He added that scope of practice allows the responder, under specific circumstances, to protect the life of the individual, but that would not include performing a cesarean section on the street.

Vice Chairman Broadsword asked if the Advisory Committee is different from the Physician Commission. **Dr. Sturkie** advised that the Physician Commission is appointed by the Governor and the Advisory Committee is within the EMS Bureau. **Senator Schmidt** asked if the transport of a patient with an external pacer in a rural community without paramedics would require personnel skilled beyond EMS, such as an R.N. or M.D. **Dr. Sturkie** responded, "Yes, they would have to send someone with competence in that area."

MOTION: **Senator Darrington** moved, seconded by **Senator Schmidt**, that the Committee approve **Docket No. 16-0202-1101**. The motion carried by **voice vote**.

ADJOURN: **Vice Chairman Broadsword** returned the gavel to **Chairman Lodge** who announced the Committee would be hearing DEQ rules on Monday. There being no further business to come before the Committee, the meeting was adjourned at 3:45 p.m.

Senator Lodge
Chairman

Lois Bencken
Secretary

Diana Page
Assistant Secretary