

APA-1
4/18

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 420 Alabama Department of Public Health

Rule Number 420-2-1-.02

Rule Title Definitions

New Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? N/A

Are all facts of the rulemaking process designed solely for the purpose of and so they have as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of §41-22-23, Code of Alabama, 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama, 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of Certifying Officer



Date

2/18/19

FORM APA2
10/17

STATE BOARD OF HEALTH
NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Public Health

RULE NUMBER AND TITLE: 420-2-1-.02, Definitions

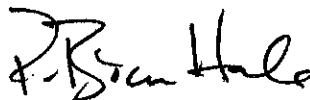
INTENDED ACTION: To add the definition for Pediatric Palliative and End of Life Care Order.

SUBSTANCE OF PROPOSED ACTION: The Pediatric Palliative and End of Life (PPEL) Care Task Force was legislatively mandated with the enactment of House Bill 194. The task force is charged with developing a Pediatric Do Not Attempt Resuscitation form. The rules are being amended to address the orders for PPEL care.

TIME, PLACE, AND MANNER OF PRESENTING VIEWS: A public hearing will be held on August 22, 2019, at 9:00 a.m., at the RSA Tower, Suite 1540, 201 Monroe Street, Montgomery, AL 36104.

FINAL DATE FOR COMMENTS AND COMPLETION OF NOTICE: Written or oral comments will be received until the close of the record at 5:00 p.m., September 4, 2019. All comments and requests for copies of the proposed rules should be addressed to the contact person listed below.

CONTACT PERSON AT AGENCY: Stephen Wilson, Office of Emergency Medical Services, Department of Public Health, P.O. Box 303017, Montgomery, Alabama 36130-3017, (334) 206-5383.



P. Brian Hale, Agency Secretary

420-2-1-.02 Definitions.

(1) "Academic Dishonesty" means any emergency medical services (EMS) student who submits a license or test application, a report of continuing education requirements, student record, clinical rotation record, intent to train form, self-study document, or any other document which is material to those of a student in an emergency medical services personnel (EMSP) training program and which is fraudulent or knowingly false in any respect.

(2) "Accreditation" means the educational program meets or exceeds the educational standards specified in the "ADPH, OEMS Credentialing Manual for Accreditation of Levels 1 and 2 education programs."

(3) "Accreditation Withdrawn" means accreditation may be withdrawn from a program with Probationary Accreditation or Administrative Probation, if at the conclusion of the specified probationary period, the accreditation review process confirms that the program is not in compliance with the administrative requirements for maintaining accreditation.

(4) "Accreditation Withheld" means that the program is not in substantial compliance with the essential elements of an education program.

(5) "Advanced Cardiac Life Support (ACLS)" means an approved course of instruction which follows the American Heart Association's Emergency Cardiac Care guidelines.

(6) "Advanced Emergency Medical Technician (AEMT)" means any person 18 years of age or older who has successfully completed the AEMT course of instruction, or its equivalent, as approved by the State Board of Health or its designee, and has passed the state approved AEMT certification exam, and who has been granted a current, valid AEMT license by the State Board of Health.

(7) "Advanced Life Support (ALS)" means the treatment of potentially life-threatening medical emergencies through the use of invasive medical techniques specified as advanced life support techniques in these rules which would ordinarily be performed or provided by physicians but may be performed by active licensed EMSP pursuant to these rules.

(8) "Advanced Trauma Life Support (ATLS)" means the course of instruction developed and sponsored by the American College of Surgeons.

(9) "Air Ambulance" means an aircraft approved by the Federal Aviation Administration (FAA), licensed by the Office of Emergency Medical Services (OEMS), and intended to be used for and maintained or operated for the transportation of sick or injured persons to a medical care facility. This term does not include fixed wing aircraft.

(10) "Alabama Department of Public Health (ADPH or the Department)" means the State of Alabama Department of Public Health, as defined by §22-1-1, Code of Ala. 1975, and any officer, agent, or employee of the Department that is authorized to act for the Department with respect to the enforcement and administration of these rules.

(11) "Alabama EMS Patient Care Protocols" means a written document approved by the State Board of Health for each emergency medical technician licensure level which specifies adult and pediatric patient treatment procedures, medication administration, and other administrative and organizational guidelines that shall be followed upon assessment and treatment of an adult or pediatric patient in the out-of-hospital environment.

(12) "Alabama Trauma Communications Center (ATCC)" means a central communication facility with the capability to constantly communicate with all pre-hospital providers and hospitals that have been designated by the Department as trauma centers. The ATCC's capabilities include the ability to immediately and directly link the pre-hospital providers to the trauma centers.

(13) "Alabama Trauma System" means an organized system designed to ensure that severely injured adult and pediatric patients are promptly transported and treated at trauma centers that are appropriate to the severity of the injury.

(14) "ALS Level 1 Authorization" means all fluids or medications described within the scope of practice of the Paramedic as approved by the State Board of Health.

(15) "ALS Level 1 - Critical Care Authorization" means all fluids or medications described within the Critical Care practice of the Critical Care Paramedic as approved by the State Board of Health.

(16) "ALS Level 2 Authorization" means all fluids or medications described within the scope of practice of the Advanced EMT as approved by the State Board of Health.

(17) "ALS Level 3 Authorization" means all fluids or medications described within the scope of practice of the EMT-Intermediate (I-85) as approved by the State Board of Health.

(18) "Automated External Defibrillator (AED)" means a cardiac defibrillator that is a sophisticated, reliable computerized device that uses voice and visual prompts to guide healthcare providers to safely defibrillate ventricular fibrillation sudden cardiac arrest.

(19) "Basic Life Support (BLS)" means non-invasive life support measures provided to out-of-hospital patients.

(20) "Board" or "State Board of Health" means the Board of Health of the State of Alabama as defined by §22-2-1, Code of Ala. 1975, or the State Health Officer, or his or her designee, when acting for the Board.

(21) "Certification" means a demonstration such as, but not limited to, the issuance of a card or certificate by which an organization provides public information concerning individuals who have successfully completed a certification process and demonstrated an ability to perform competently.

(22) "Clinical Preceptor" means an individual who, under the direction of the program director, supervises and evaluates the students during clinical rotations in a controlled environment such as a hospital or urgent care clinic.

(23) "CoAEMSP" means the Commission on Accreditation of Educational Programs for the Emergency Medical Services Professions.

(24) "Cohort" means the period of time it takes to complete course work for one EMS level without interruption. As a student progresses from Level 3 to Level 1, the cohort time frame will increase relative to the amount of course work.

(25) "Controlled Substance Oversight Coordinator (CSOC)" means a Paramedic who is responsible for all aspects of the controlled substance plan of a provider service and is the

designated contact person for any issues pertaining to the service's controlled substances.

(26) "Controlled Substance Plan (CSP)" means the plan written by each ALS fluid/drug service which specifies the method of ownership, security, drug testing for employees, quality assurance, and tables to be used for accounting logs. The CSP also contains original signatures from the service medical direction physician, the pharmacist from the medical direction hospital, and the controlled substance coordinator. This plan shall be submitted to and approved by the OEMS.

(27) "Course Instructor" means an individual who is authorized by the appropriate entity to present and assess competence in all subject matter contained in a curriculum. This person, along with the program director, makes final evaluations concerning student competence.

(28) "Criminal History Release Authorization" means a signed form that authorizes the OEMS to review and utilize the criminal history of an emergency medical technician (EMT) or EMT applicant for licensure purposes.

(29) "Critical Care Paramedic" means a paramedic endorsed by the OEMS, certified by the International Board of Specialty Certifications (IBSC) as Critical Care Paramedic - Certified (CCP-C) or Flight Paramedic - Certified (FP-C), and the provider service medical director has validated competency.

(30) "Critical Care Practice" means an expanded scope of practice within the State of Alabama that may be practiced by paramedics who have a current endorsement on their emergency medical services personnel (EMSP) license and who must be working for a provider service that is currently licensed at the Critical Care level.

(31) "Alabama EMS Critical Care Patient Care Protocols" means a written document approved by the State Board of Health for Critical Care Paramedics working for a Critical Care licensed provider service which specifies adult and pediatric patient treatment procedures, medication administration, and other administrative and organizational guidelines that shall be followed upon assessment and treatment of an adult or pediatric patient in the out-of-hospital environment.

(32) "Education Level 1" means a course of instruction that provides an individual with the knowledge and clinical skills of

emergency medical care necessary to function at the approved EMT, Advanced EMT, and Paramedic levels of care.

(33) "Education Level 2" means a course of instruction that provides an individual with the knowledge and clinical skills of emergency medical care necessary to function at the approved EMT or Advanced EMT levels of care.

(34) "Education Level 3" means a course of instruction that provides an individual with the knowledge and clinical skills of emergency medical care necessary to function at the approved EMT level of care.

(35) "Electronic Patient Care Report (e-PCR)" means a Board approved method of electronic recording of an occurrence by emergency or non-emergency response EMS personnel where a medical or injured patient was encountered, evaluated, treated, or transported.

(36) "Emergency Medical Dispatcher (EMD)" means an individual who has received certification from the Alabama Statewide 911 Board and the Alabama Department of Public Health's EMD program (the Alabama EMD program) or a nationally recognized EMD certification course.

(37) "Emergency Medical Provider Service" means any emergency medical service properly licensed to provide out-of-hospital emergency medical response services within the State of Alabama. These include basic life support (BLS) transport, ALS transport and ALS non-transport.

(38) "Emergency Medical Responder (EMR)" means any person 18 years of age or older who has successfully completed the Emergency Medical Responder course of instruction, or its equivalent, as approved by the Board or its designee, who has passed the State approved EMSP certification exam, and who has been granted a current, valid EMSP license by the Board.

(39) "Emergency Medical Services Education Program" means any approved or credentialed program that provides education for EMR or EMS personnel for Level I, II, or III.

(40) "Emergency Medical Services Educational Institution" means a single institution or site of higher learning which meets the EMS educational requirements of the OEMS and that has approval from the Alabama Community College System or the

Alabama Commission on Higher Education to offer EMS educational programs for the recognized levels of licensure.

(41) "Emergency Medical Services Personnel (EMSP)" means all recognized National Highway Traffic Safety Administration (NHTSA) levels of personnel licensed by the Board, who have met all primary and/or renewal educational requirements of these rules, and are allowed to provide medical care within the level of their scope of practice granted by the OEMS.

(42) "Emergency Medical Technician (EMT)" means any person 18 years of age or older who has successfully completed the EMT course of instruction, or its equivalent, as approved by the Board or its designee, who has passed the State approved EMT certification exam, and who has been granted a current, valid EMT license by the Board.

(43) "Emergency Medical Technician-Intermediate" means any person 18 years of age or older who has successfully completed the 1985 EMT-Intermediate course of instruction, or its equivalent, as approved by the Board, who has passed the State approved EMT-Intermediate certification exam, and who has been granted a current, valid license by the Board.

(44) "Emergency Vehicle Operator" means an individual who has met the requirements of the Board to operate an ambulance.

(45) "Emergency Vehicle Operators Course (EVOC)" means the national standard curriculum developed by the NHTSA and conducted by an authorized OEMS instructor or the Alabama Fire College Apparatus Operator Course.

(46) "Federal Aviation Regulations (FAR)" means rules prescribed by the FAA governing all aviation activities in the United States. The FAR's are part of Title 14 of the Code of Federal Regulations.

(47) "Field Preceptor" means an individual, who under the direction of the program director, supervises and evaluates the students during clinical rotations on an ambulance in the prehospital environment.

(48) "Ground Ambulance" means a motor vehicle intended to be used for and maintained or operated for the transportation of persons who are sick or injured to a medical care facility.

(49) "Guest Lecturer" means an individual with specialized subject matter expertise, who on occasion, instructs a specific topic of curriculum under the direction of the program director.

(50) "Impaired EMS Personnel" means an individual licensed under these rules who misuses or abuses alcohol, drugs, or both, or who has a mental or behavioral issue which could affect the individual's judgment, skills, and abilities to practice.

(51) "Industry Standard Stretcher Locking Device" means a stretcher locking device permanently affixed to the vehicle which meets or exceeds the standards as adopted by the State Board of Health.

(52) "Industry Standard Wheelchair Locking Device" means a wheelchair locking device permanently affixed to the vehicle for use in Demand Responsive Systems under Title III of the Americans with Disabilities Act (ADA) which meets or exceeds the Department of Transportation (DOT) specifications for Ground Ambulances under Guideline Specifications for Wheelchair Securement Devices. When the wheelchair is secured in accordance with the manufacturer's instructions, the securement systems, recognized by the ambulance industry to provide the capability of securing the wheelchair in the vehicle, shall limit the movement of an occupied wheelchair to no more than 2 inches in any direction under normal operating conditions. All wheelchair locking devices shall be affixed to the vehicle so as to secure the wheelchair in a forward or rear facing position. Side facing securement is not permitted under any circumstances. This does not negate the necessity for providing a separate seatbelt and shoulder harness for each wheelchair or wheelchair user as specified elsewhere in these rules.

(53) "Licensure" means the state's grant of legal authority to perform skills within a designated scope of practice. Under the licensure system, states define, by statute, the tasks and function or scope of practice of a profession and provide that these tasks may be legally performed only by those who are licensed. As such, licensure prohibits anyone from practicing the profession who is not licensed, regardless of whether or not the individual has been certified by a private organization.

(54) "MDPID" means the Medical Direction Physician Identification Number.

(55) "Medical Direction" means directions and advice provided from a designated medical direction physician.

(56) "Medical Direction Hospital" means a hospital which has properly credentialed and licensed medical direction physician coverage in the emergency department 24 hours per day, 7 days a week; assists with the initial and ongoing training of emergency medical provider services; maintains a communication system capable of serving the EMS providers for the areas served; and conducts continuing quality improvement of patient care to include the identification of deficiencies in procedures or performance among participating out-of-hospital provider services. The medical direction hospital provides logistical and/or supervising responsibilities for active licensed EMS personnel.

(57) "Moral turpitude" means an act or behavior that gravely violates moral sentiment or accepted moral standards of society, as further defined by state law.

(58) "Non-Transport ALS Provider Service" means a non-transporting emergency medical provider service that is licensed by the OEMS and that provides ALS services.

(59) "Non-Transport BLS Provider Service" means a non-transporting service that provides BLS services that is recognized, but not licensed by the OEMS.

(60) "Non-Transport vehicle" means a vehicle operated with the intent to provide BLS or ALS on-scene stabilization, but not intended to transport a patient.

(61) "NREMT" means the National Registry of Emergency Medical Technicians.

(62) "Office of Emergency Medical Services (OEMS)" means the subdivision of the Department charged with the enforcement and administration of these rules.

(63) "On-Line Medical Director" means a licensed physician who has completed and maintains a current certification in ACLS and ATLS or maintains board certification in emergency medicine or pediatric medicine if the physician works in a designated pediatric specialty hospital, and shall have successfully completed the approved Alabama EMS Medical Directors Course, the annual refresher course, and been issued a MDPID number.

(64) "Paramedic" means any person 18 years of age or older who has successfully completed the paramedic course of

instruction, or its equivalent, as approved by the Board, and who has passed the State approved paramedic certification exam, and who has been granted a current, valid paramedic license by the Board.

(65) "Patient" means a person who receives or requests medical care or for whom medical care is requested because such individual is sick or injured.

(66) "Pediatric Palliative and End of Life (PPEL) Care Order" means a directive that, once executed by the representative of a qualified minor and entered into the medical record by the attending physician of the qualified minor in accordance with Section 22-8A-15, Code of Alabama 1975, becomes the medical order for all health care providers with respect to the extent of use of emergency medical equipment and treatment, medication, and any other technological or medical interventions available to provide palliative and supportive care to the qualified minor.

(6667) "Permitted Vehicle" means any vehicle to be used for the response to and care of patients that has been inspected, approved, and issued a decal by the OEMS.

(6768) "Physician" means an individual currently licensed to practice medicine or osteopathy by the Medical Licensure Commission of Alabama.

(6869) "Portable Physician Do Not Attempt Resuscitation (DNAR) Order" means a physician's written order, in a form prescribed by Rule 420-5-19-.02, that resuscitative measures not be provided to a person under a physician's care in the event the person is found with cardiopulmonary cessation. A DNAR order includes, without limitation, physician orders written as "do not resuscitate," "do not allow resuscitation," "do not allow resuscitative measures," "DNAR," "DNR," "allow natural death," or "AND."

(6970) "Practical Skills Proctor" means an individual who assists with practical skills instruction under the direction of the course instructor and/or program director.

(7071) "Preceptor" means an individual with a higher level of licensure who is responsible for the supervision and instruction of an EMS student on a clinical rotation.

(7172) "Probationary Accreditation" indicates a program is presently accredited; however, there is evidence that the program has substantial deficiencies that threaten the capability of the program to provide acceptable educational experiences for the students. The site visit usually produces the necessary evidence; however, an onsite review is not required for this action to be recommended if the facts are not in dispute.

(7273) "Program Director" means an individual who is responsible for managing administrative details of a program and its courses under the policies, procedures, and rules as stated herein and as otherwise referred to by the ADPH, OEMS. This person oversees all instructional courses and staffing administration and is not limited to the description above. Regional Directors are considered Program Directors for approved off site Level 2 or 3 EMS education courses within their respective region.

(7374) "Program Medical Director" means the Alabama licensed physician who provides medical direction for all didactic and clinical instruction and clinical practice experience.

(7475) "Provider Services" means an organization which provides either air or ground emergency medical services to the public.

(7576) "Quality Improvement Education" means the remedial or ongoing education determined necessary by an emergency medical provider service's and/or the OEMS' quality assurance reviews and offered to improve the delivery of care of an individual emergency medical provider service or active licensed EMS personnel.

(7677) "Recumbent Position" means a position whereby a patient is placed in a prone, supine, lying down, reclining or leaning back position, or angle of 20 degrees or more from the upright or vertical angle of 90 degrees.

(7778) "Regional Agency" means a contractor located in a specific geographic area of the state that provides services specified in a contract. These agencies have no regulatory authority other than that conferred by the OEMS.

(7879) "Resuscitative Measures" means cardiopulmonary resuscitation, cardiac compression, endotracheal intubation and

other advanced airway management, artificial ventilation, cardiac resuscitation medications, and cardiac defibrillation delivered by any means. This term does not mean and shall not be deemed to include such medical interventions as intravenous fluids, oxygen, suction, control of bleeding, administration of pain medication by properly licensed and authorized personnel, and the provision of support and comfort to patients, family members, friends, and other individuals.

(~~7980~~) "Scope of Practice" means clearly defined levels of skills and roles allowed for each level of emergency medical licensure in the out-of-hospital environment.

(~~8081~~) "Service Area" means 90 nautical miles from an air ambulance provider service's base of operation.

(~~8182~~) "Service Medical Director" means a physician who holds a current MDPID number and is responsible for medical direction and oversight for the day-to-day operations of a licensed emergency medical provider service(s).

(~~8283~~) "Shall" means a mandatory requirement.

(~~8384~~) "Site Visit Team Member" means an individual who has been approved to be a participant in the site visit of an EMS education program seeking accreditation from the OEMS.

(~~8485~~) "State Emergency Medical Control Committee (SEMCC)" means a committee authorized by §22-18-6, Code of Ala. 1975, to assist in formulating rules and policies pertaining to EMS.

(~~8586~~) "Stretcher" means a cot, gurney, litter, or stretcher device of the type that can be used for and is maintained solely for the transportation of patients in a vehicle in a recumbent position. Either one or both of the patient's legs shall be maintained in a horizontal position or angle of 180 degrees at the foot of the stretcher, unless it is medically necessary to do otherwise, or to maintain any other position of either one or both of the legs above the horizontal angle 180 degrees. The stretcher shall be capable of being locked solely into an ambulance by an industry standard stretcher or cot locking device as defined by the rules.

(~~8687~~) "Wheelchair" means a specialty chair or mobility aid that belongs to a class of three or four wheeled devices, usable indoors, usually designed for and used by persons with mobility impairments. Wheelchairs, as defined in these rules, shall not

exceed 30 inches in width and 48 inches in length, as measured 2 inches above the ground, and shall not weigh more than 600 pounds when occupied.

Authors: William Crawford, M.D., Stephen Wilson

Statutory Authority: Code of Ala. 1975, §22-18-1, et seq.

History: Filed September 1, 1982. Amended: Filed May 24, 1984. Amended: Filed January 20, 1995; effective February 24, 1995. Repealed and Replaced: Filed September 20, 1996; effective October 24, 1996. Amended: Filed March 20, 2001; effective April 24, 2001. Amended: Filed June 23, 2004; effective July 28, 2004. Repealed and New Rule: December 17, 2007; effective January 21, 2008. Repealed and New Rule: Filed April 20, 2011; effective May 25, 2011. Amended: January 17, 2013; effective February 21, 2013. Repeal and New Rule: Filed March 16, 2017; effective April 30, 2017. Repeal and New Rule: Filed February 20, 2019; effective April 6, 2019. Amended: Filed XX-XX-XXXX.