

## **NOTICE OF PROPOSED RULEMAKING**

[Notice published December 9, 2016]

### TITLE 22. SOCIAL SECURITY DIVISION 9. PREHOSPITAL EMERGENCY MEDICAL SERVICES CHAPTER 7.2. STROKE CRITICAL CARE SYSTEM REGULATIONS

## **NOTICE OF PROPOSED RULEMAKING**

The Emergency Medical Services Authority (EMS Authority) proposes to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

### **PUBLIC HEARING**

EMS AUTHORITY will conduct a public hearing on **January 23, 2017**. The hearing will begin at **2:00 pm and end at 4:00 pm**. The hearing will be held at EMS AUTHORITY Headquarters located at 10901 Gold Center Drive, Suite 400, Rancho Cordova, CA 95670. EMS AUTHORITY requests that persons making oral comments at the hearing also submit a written copy of their testimony at the hearing.

### **WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action, to EMS AUTHORITY. Comments may also be submitted by facsimile (FAX) at (915) 324-2875 or by e-mail to [farid.nasr@EMS Authority.ca.gov](mailto:farid.nasr@EMS Authority.ca.gov). The written comment period closes at **5:00 p.m.** on **January 23, 2017**. EMS AUTHORITY will only consider comments received at EMS AUTHORITY Headquarters by that time. Submit comments to:

Farid Nasr, MD,  
Critical Care Systems Specialist  
EMS Systems Division  
California EMS Authority  
10901 Gold Center Drive, Suite 400  
Rancho Cordova, CA 95670

### **AUTHORITY AND REFERENCE**

According to the Section 2.5 of California Health and Safety Code (H&SC), critical care systems, including hospital designations, shall be regulated by the EMS AUTHORITY. California Health and Safety Code section 1797.107 and 1798.150 authorize EMS AUTHORITY to adopt regulations and establish guidelines for critical care statewide in California. The proposed regulations implement, interpret, and make specific Health and Safety Code sections 1797.103 and 1797.176.

## INFORMATIVE DIGEST/ POLICY STATEMENT OVERVIEW

Currently, there is no existing statute that regulates or provides standardization of stroke critical care systems in California. The regulations proposed in this rulemaking action will establish standards for local optional acute Stroke Critical Care System throughout the State of California for the local EMS agencies (LEMSAs) to adopt. These regulations provide statewide consistency, fairness, and increase transparency of local and state government. These regulations will have a direct public benefit by improving the care of patients suffering from life-threatening acute stroke. The implementation of a Stroke Critical Care System by LEMSAs are optional. These regulations continue existing practices and do not impose any new economic impact on business and/or employees.

### Anticipated Benefits of the Proposed Regulation:

Adoption of these regulations will improve the system and standardize stroke care statewide. The specific benefit from these regulations is to protect the health and safety of the public by reducing the time interval between the emergency call and arrival at the hospital, and reducing the time between arrival at the hospital and treatment of a stroke patient.

After conducting an evaluation on any other regulations that concern standards for local optional acute stroke care, the EMS Authority has determined that these are the only regulations on this area. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

## DISCLOSURES REGARDING THE PROPOSED ACTION

EMS AUTHORITY has made the following initial determinations:

- Mandate on local agencies and school districts: **None**
- Cost or savings to any state agency: **None to Minimal**
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630: **None**
- Other nondiscretionary cost or savings imposed on local agencies: **None**
- Cost or savings in federal funding to the state: **None**
- Cost impacts on a representative private person or business: EMS AUTHORITY is aware of some cost impacts that a representative private person or business (hospitals) would necessarily incur in reasonable compliance with the proposed action.

- 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**
- The proposed regulations will not affect small businesses because they solely benefit stroke patients in California. There would be no impact on small businesses due to the focus being on critical care systems providing treatment to California stroke patients.

### Results of the Economic Impact Analysis

EMS AUTHORITY concludes that it is (1) unlikely that the regulations will eliminate any jobs for ambulance providers; (2) possible that the regulations will create an unknown number of jobs for ambulance providers; (3) likely that the proposal will create an unknown number of new private ambulance companies providing ambulance services; (4) unlikely that the proposal will eliminate any existing businesses; (5) unlikely that the proposed regulations will result in the expansion of businesses currently doing business within the State; and (6) benefit California residents by providing a means of resolution between EMS AUTHORITY and LEMSAs concerning emergency medical services plans which would ultimately lead to protection of the public peace, health, safety, and general welfare.

### **CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code Section 11346.5(a)(13), EMS AUTHORITY must determine that no reasonable alternative considered, or otherwise identified and brought to the attention of the agency, would 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 proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

EMS AUTHORITY invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

### **CONTACT PERSONS**

Inquiries concerning the proposed administrative action may be directed to:

Farid Nasr, MD,  
Critical Care Systems Specialist  
EMS Systems Division  
California EMS Authority  
10901 Gold Center Drive, Suite 400  
Rancho Cordova, CA 95670  
(916) 431 3685

[farid.nasr@EMS Authority.ca.gov](mailto:farid.nasr@EMS Authority.ca.gov)

The backup contact person for these inquiries is:

Angela Wise,  
Assistant Division Chief  
California EMS Authority  
10901 Gold Center Drive, Suite 400  
Rancho Cordova, CA 95670  
(916) 431-3708  
[angela.wise@EMS Authority.ca.gov](mailto:angela.wise@EMS Authority.ca.gov)

Please direct requests for copies of the proposed text (the "express terms") of the regulations, the initial statement of reasons (ISOR), the modified text of the regulations, if any, or other information upon which the rulemaking is based, to Farid Nasr at the above address.

#### **AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE**

EMS AUTHORITY will have the entire rulemaking file available for inspection and copy throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the ISOR. Copies may be obtained by contacting **Farid Nasr, MD** at the address or phone number listed above.

#### **AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After conducting the public hearing and considering all timely and relevant comments received, EMS AUTHORITY may adopt the proposed regulations substantially as described in this notice. If EMS AUTHORITY makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before EMS AUTHORITY adopts the regulation as revised. Please send requests for copies of any modified regulations to the attention of **Farid Nasr, MD** at the address indicated on the previous page. EMS AUTHORITY will accept written comments on any modified regulations for 15 days after the date on which they were made available.

#### **AVAILABILITY OF THE FINAL STATEMENT OF REASONS**

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting **Farid Nasr, MD** at the address indicated on the previous page.

#### **AVAILABILITY OF DOCUMENTS ON THE INTERNET**

Copies of the Notice of Proposed Action, the ISOR, and the text of the regulations in underline and strikeout may be accessed through EMS AUTHORITY's website at [www.EMS Authority.ca.gov](http://www.EMS Authority.ca.gov).