

BEFORE THE DEPARTMENT OF PUBLIC  
HEALTH AND HUMAN SERVICES  
OF THE STATE OF MONTANA

In the matter of the adoption of New	)	NOTICE OF ADOPTION AND
Rules I through XIV and the repeal of	)	REPEAL
ARM 37.104.101, 37.104.102,	)	
37.104.105, 37.104.106, 37.104.107,	)	
37.104.108, 37.104.109, 37.104.110,	)	
37.104.111, 37.104.112, 37.104.114,	)	
37.104.115, 37.104.120, 37.104.201,	)	
37.104.202, 37.104.203, 37.104.204,	)	
37.104.205, 37.104.206, 37.104.208,	)	
37.104.212, 37.104.213, 37.104.218,	)	
37.104.301, 37.104.305, 37.104.306,	)	
37.104.307, 37.104.311, 37.104.312,	)	
37.104.316, 37.104.319, 37.104.320,	)	
37.104.321, 37.104.325, 37.104.326,	)	
37.104.329, 37.104.330, 37.104.335,	)	
37.104.336, 37.104.401, 37.104.404,	)	
37.104.405, and 37.104.410	)	
pertaining to emergency medical	)	
services	)	

TO: All Concerned Persons

1. On July 7, 2023, the Department of Public Health and Human Services published MAR Notice No. 37-1017 pertaining to the public hearing on the proposed adoption and repeal of the above-stated rules at page 620 of the 2023 Montana Administrative Register, Issue Number 13.

2. The department has adopted the following rules as proposed: New Rules II (37.104.504), III (37.104.505), IV (37.104.506), V (37.104.507), VI (37.104.508), VII (37.104.509), VIII (37.104.510), IX (37.104.513), X (37.104.514), XI (37.104.515), XII (37.104.516), and XIII (37.104.517).

3. The department has adopted the following rules as proposed, but with the following changes from the original proposal, new matter underlined, deleted matter interlined:

NEW RULE I (37.104.501) DEFINITIONS As used in this subchapter, the following definitions apply:

(1) through (30) remain as proposed.

(31) "Supplemental training" means training for registered nurses approved by the service manager of an emergency medical service licensed at the basic life support level of service, or the service medical director for all other levels of service.

A list of suggested training is set forth in Table 11 of the Emergency Medical Services Rule Appendix.

(a) through (34) remain as proposed.

AUTH: 50-6-323, MCA

IMP: 50-6-323, MCA

NEW RULE XIV (37.104.518) ADVISORY COMMITTEE (1) The purpose of the advisory committee is to advise the department consistent with 50-6-323, MCA, on matters including:

(a) through (c) remain as proposed.

(d) in consultation with the Department of Labor and Industry or the board, patient care standards and guidelines and guidance on supplemental training for registered nurses.

(2) through (5) remain as proposed.

AUTH: 50-6-323, MCA

IMP: 50-6-324, MCA

4. The department has repealed the above-stated rules as proposed.

5. The department has thoroughly considered the comments and testimony received. A summary of the comments received, and the department's responses are as follows:

COMMENT #1: A commenter indicated that advanced life support (ALS) has historically meant paramedic-level service; otherwise, it would be basic life support (BLS) with authorization for ALS. The commenter indicated he understood the rationale behind the proposed change to the ALS definition is to enable billing at the higher ALS level for emergency medical technicians with endorsements. However, the commenter does not believe the proposed definition fairly represents the meaning of advanced life support.

RESPONSE #1: The proposed ALS definition removes inconsistencies within the rule language, provides EMS services with greater flexibility, and ensures public safety. The proposed change makes the definition of ALS consistent with the Board of Medical Examiners' medical direction requirements under ARM 24.156.2732 and continued competency requirements under ARM 24.156.2718. The proposed rule change allows an EMS service licensed at the ALS level to use other licensed advanced life support providers to meet staffing requirements. This benefits services that are unable to hire sufficient paramedic personnel.

COMMENT #2: A commenter stated the definition of "advanced life support (ALS)" is confusing as written because it includes all levels of service. The commenter questions whether including all levels of service is appropriate and states just because one AEMT can keep an IV going does not mean that service is an ALS service.

RESPONSE #2: It is unclear if the commenter is referencing the definition of "advanced life support" or the definition of "advanced life support service." The department believes the proposed change to the definition of advanced life support is clear as written. The proposed definition of advanced life support service removes inconsistencies in rule language, provides EMS services with greater flexibility, and ensures public safety. Please also see the response to comment #1.

COMMENT #3: A commenter indicated that the definition of "level of emergency medical service" includes a list that could be further clarified, but did not explain how they thought it could be clarified.

RESPONSE #3: The department believes the proposed rule language is clear as written.

COMMENT #4: A commenter stated that the definition of supplemental training under New Rule I would be more helpful if it incorporated a list. The commenter indicated inclusion of a list would be beneficial for the service manager and service medical director.

RESPONSE #4: The department agrees that providing guidance to the service manager and service medical director would be beneficial. The department has added a new table to the Emergency Medical Services Rule Appendix setting forth suggested supplemental training for registered nurses and revised New Rule I to reference the table. The department has also revised New Rule XIV to ensure training requirements are kept current.

COMMENT #5: A commenter stated New Rule II provides a list of responsibilities for the emergency medical service manager that includes ensuring the service medical director fulfills requirements of offline medical direction. The commenter questions if the manager has the education and training to meet this expectation.

RESPONSE #5: The department believes the proposed rule language provides clear guidance to the EMS service manager relating to the service medical director's responsibilities for offline medical direction. As a result, the department believes that the manager will be able to meet this expectation.

/s/ Robert Lishman  
Robert Lishman  
Rule Reviewer

/s/ Charles T. Brereton  
Charles T. Brereton, Director  
Department of Public Health and Human  
Services

Certified to the Secretary of State August 29, 2023.