

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

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 37.104.3001, 37.104.3012,)
37.104.3020, and 37.104.3022)
pertaining to trauma facility)
designation)

TO: All Concerned Persons

1. On September 8, 2023, the Department of Public Health and Human Services published MAR Notice No. 37-1026 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 1001 of the 2023 Montana Administrative Register, Issue Number 17.

2. The department has amended the following rules as proposed: ARM 37.104.3001, 37.104.3012, 37.104.3020, and 37.104.3022.

3. 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 expressed support for the proposed rule amendments and indicated they look forward to adoption of the rules as proposed with an effective date of January 1, 2024.

RESPONSE #1: The department thanks the commenter for their support of the proposed rule amendments.

COMMENT #2: Two commenters suggested revising ARM 37.104.3020(1) to require that the general surgeon participating on the site review team be a general surgeon with at least five years post-graduate experience as a trauma surgeon. The commenters indicated the department's proposed rule language could lead to general surgeons with minimal or no post-graduate experience in trauma care being appointed to a site review team and expressed concern this would result in inadequate evaluation and oversight of trauma care facilities.

RESPONSE #2: The department respectfully disagrees that the rule change suggested by the commenters is necessary. The department believes its proposed rule amendments will ensure adequate evaluation and oversight of trauma facilities. Under ARM 37.104.3001(19), members of a site review team are selected by the department based on expertise in trauma care and trauma program administration. Pursuant to this selection criteria, each member of the site review team must undergo training on the trauma center designation statutes and rules and the process for conducting a site visit prior to performing site reviews. Additionally, the

department strives to select members for a site review team who are intimately involved in the trauma care system, have personal experience with designations/verifications at their facility, and who are currently or have previously been a facility trauma medical director. New site team review members are also paired with an experienced reviewer to ensure consistency among reviewers.

COMMENT #3: Two commenters suggested revising ARM 37.104.3020(2) to require that the physician on a site review team be a general surgeon currently providing trauma care. The commenters indicated the department's proposed rule language could lead to physicians with no experience in trauma care being appointed to a site review team, which would result in inadequate evaluation and oversight of trauma care facilities.

RESPONSE #3: The department respectfully disagrees that the rule change suggested by the commenters is necessary. The department believes the rule language it has proposed will ensure adequate evaluation and oversight of trauma facilities. Please see the response to comment #2. Additionally, under ARM 37.104.3001(19), the department has discretion in the selection of site team review members; and as part of selecting physicians to serve as site review members, the department considers the level of experience in trauma care that potential members have.

4. The rule amendments are effective January 1, 2024.

/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 November 7, 2023.