

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

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 37.104.3001 pertaining to) PROPOSED AMENDMENT
Montana Trauma System Plan 2019)

TO: All Concerned Persons

1. On July 11, 2019, at 11:30 a.m., the Department of Public Health and Human Services will hold a public hearing in the auditorium of the Department of Public Health and Human Services Building, 111 North Sanders, Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Public Health and Human Services no later than 5:00 p.m. on July 2, 2019, to advise us of the nature of the accommodation that you need. Please contact Gwen Knight, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; telephone (406) 444-4094; fax (406) 444-9744; or e-mail dphhslegal@mt.gov.

3. The rule as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

37.104.3001 DEFINITIONS In addition to the definitions in 50-6-401, MCA, the following definitions apply to this subchapter:

~~(1) "Appendix J of the State Trauma Plan" means the appendix of the 2006-2010 Montana Trauma System Plan that contains the criteria for including a patient in the state trauma register, the format specified by the department for a health care facility trauma registry, and the requirements for collection of state trauma register and health care facility registry data. The department adopts and incorporates by reference Appendix J of the department's 2006-2010 Montana Trauma System Plan. A copy of Appendix J of the 2006-2010 Montana Trauma System Plan may be obtained from the Department of Public Health and Human Services, Public Health and Safety Division, Emergency Medical Services and Trauma Systems Section, 1400 Broadway, P.O. Box 202951, Helena, MT 59620-2951.~~

(2) through (10) remain the same, but are renumbered (1) through (9).

~~(11) (10) "Montana Trauma Facility Designation Criteria (2014) (2019)" means the document that contains the requirements for a facility to meet in order to be designated as a particular type of trauma care facility. The department adopts and incorporates by reference the department's Montana Trauma Facility Designation Criteria (2014) (2019) located within the Montana Trauma System Plan, which sets forth the facility requirements for designation of trauma facilities. A copy~~

of the Montana Trauma Facility Designation Criteria (2014) (2019) may be obtained from the Department of Public Health and Human Services, Public Health and Safety Division, Emergency Medical Services and Trauma Systems Section, 1400 Broadway, P.O. Box 202951, Helena, MT 59620-2951 or at this web site: <http://dphhs.mt.gov/publichealth/EMSTS/traumasystems.aspx>.

(12) through (24) remain the same, but are renumbered (11) through (23).

AUTH: 50-6-402, MCA

IMP: 50-6-401, 50-6-402, MCA

4. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (department) is proposing to amend ARM 37.104.3001. The rule was last updated in 2015. The "State Trauma Plan (2006-2010)" referenced in the rule is outdated. An updated State Trauma Plan has been created and approved by the State Trauma Care Committee (STCC) and Regional Trauma Care Committees (RTACs). The STCC is comprised of members of various medical groups across the state including: Montana Trauma Coordinators; Central Regional Trauma Advisory Committee (RTAC), Eastern RTAC; Committee on Trauma/American College of Surgeons (ACS); Medical Association; MT Hospital Association; MT Emergency Nurses Association; Emergency Medical Services (EMS) Association; Indian Health Service, Western RTAC; Private Ambulance Operators; and American College of Emergency Physicians. The updated plan better reflects current trauma care and needs. The updated plan also further explains and expands upon the previous designation criteria and clarifies expectations for facilities to succeed.

Since the Designation Criteria is adopted and incorporated by reference, the rule must be updated to reflect adoption of the updated plan. The department is proposing to revise the rule to reference the updated plan. Additionally, the department is proposing to revise the rule to remove reference to an outdated reference to Appendix J of the State Trauma Plan 2006-2010, which defines the criteria for including a patient in the state trauma registry. There is no Appendix J in the updated plan and the rule already provides for the data required to be submitted to the department's trauma registry.

The department is proposing to renumber the remaining definitions within the rule to reflect removal of the reference to Appendix J. The department is also proposing to remove the reference to the Montana Trauma System Plan website as the plan is not available online. The plan is provided to trauma coordinators throughout the state and can be provided upon request to other individuals by contacting the department at the mailing address specified in the rule.

The proposed revisions are necessary to ensure the rule refers to the updated plan. The updated plan is necessary to reflect the continued advancement of medical practice that has occurred throughout the nation and to clarify the designation criteria.

Fiscal Impact

This proposed rule amendment is anticipated to have no fiscal impact.

5. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Gwen Knight, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; fax (406) 444-9744; or e-mail dphhslegal@mt.gov, and must be received no later than 5:00 p.m., July 19, 2019.

6. The Office of Legal Affairs, Department of Public Health and Human Services, has been designated to preside over and conduct this hearing.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 5 above or may be made by completing a request form at any rules hearing held by the department.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

9. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses.

/s/ Robert Lishman
Robert Lishman
Rule Reviewer

/s/ Sheila Hogan
Sheila Hogan, Director
Public Health and Human Services

Certified to the Secretary of State June 11, 2019.