

BEFORE THE BOARD OF MEDICAL EXAMINERS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 24.156.2771 pertaining to ECP) PROPOSED AMENDMENT
scope of practice)

TO: All Concerned Persons

1. On November 18, 2020, at 10:00 a.m., a public hearing will be held via remote conferencing to consider the proposed amendment of the above-stated rule. Because there currently exists a state of emergency in Montana due to the public health crisis caused by the coronavirus, there will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

(a) Join Zoom Meeting, <https://mt-gov.zoom.us/j/99558305212?pwd=QXFZVIZ6T2FtTzR5ckJXTisvU29nZz09>
Meeting ID: 995 5830 5212
Password: 729327

OR

(b) Dial by telephone, +1 406 444 9999 or +1 646 558 8656,
Meeting ID: 995 5830 5212
Password: 729327

The hearing will begin with a brief introduction by department staff to explain the use of the videoconference and telephonic platform. All participants will be muted except when it is their time to speak.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Medical Examiners no later than 5:00 p.m., on November 12, 2020, to advise us of the nature of the accommodation that you need. Please contact Samuel Hunthausen, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2360; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; or dlibsmed@mt.gov (board's e-mail).

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

24.156.2771 ECP SCOPE OF PRACTICE (1) through (6) remain the same.

(7) An ECP currently licensed and in good standing in another state may function during a state or federally managed incident in compliance with the Montana ECP Practice Guidelines, but shall comply with all of the following:

(a) and (b) remain the same.

~~(c) practice at the EMR level, even if the ECP is licensed at a higher level in another state, unless the individual is licensed at an EMT with endorsement(s), AEMT, or paramedic level, and the federally managed incident has medical direction provided by a Montana licensed physician approved by the board as a medical director, and the physician authorizes the individual to function beyond the EMR level~~ the ECP practices only at the level licensed in another state; however, if the ECP is licensed above the basic EMT level, the practice above a basic EMT level may only occur if the ECP has medical direction oversight provided by a Montana licensed physician or physician assistant approved by the board as a medical director, and the medical director authorizes the ECP to function beyond the basic EMT level;

(d) through (8) remain the same.

AUTH: 50-6-203, MCA

IMP: 50-6-203, MCA

REASON: The Montana Board of Medical Examiners (board) adopted a temporary emergency amendment to ARM 24.156.2771 on September 21, 2020. The board determined the amendment to be necessary because industry stakeholder groups had informed the board that (7)(c) causes unnecessary administrative burden and impacts their ability to provide emergency care for personnel on wildland fires. Specifically, wildland firefighting agencies stated that their personnel need to be able to practice up to the basic Emergency Medical Technician (EMT) level in order to transport injured personnel to facilities and provide an appropriate level of medical care on the fire line. Stakeholders also pointed out that in-state EMTs practicing at the basic EMT level are not required to practice under the oversight of a medical director. The agencies argue that requiring out-of-state EMTs to practice at the basic level under the oversight of a Montana-licensed medical director is an additional encumbrance to their practice and that the COVID-19 pandemic has exacerbated this burden. When the board originally amended the ECP rules as part of MAR Notice No. 24-156-85 in January 2019, the criticisms and comments now offered were not submitted as public comment.

The recent emergency amendments were necessary to ensure these changes were effective prior to the end of the current fire season. The board has determined that public safety is not compromised by allowing EMTs to practice at the basic EMT level without such medical direction and is now proceeding through the basic rulemaking procedure to make the emergency amendments permanent.

4. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Medical Examiners, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to

dlibsmed@mt.gov, and must be received no later than 5:00 p.m., November 20, 2020.

5. An electronic copy of this notice of public hearing is available at <http://boards.bsd.dli.mt.gov/med> (department and board's web site). Although the department strives to keep its web sites accessible at all times, concerned persons should be aware that web sites may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing a web site do not excuse late submission of comments.

6. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. 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 that the person wishes to receive notices regarding all board administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Board of Medical Examiners, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-2305; e-mailed to dlibsmed@mt.gov; or made by completing a request form at any rules hearing held by the agency.

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

8. Regarding the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.156.2771 will not significantly and directly impact small businesses.

Documentation of the board's above-stated determination is available upon request to the Board of Medical Examiners, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2360; facsimile (406) 841-2305; or to dlibsmed@mt.gov.

9. Samuel Hunthausen, Executive Officer, has been designated to preside over and conduct this hearing.

BOARD OF MEDICAL EXAMINERS
ANA DIAZ, Ph.D.
PRESIDENT

/s/ DARCEE L. MOE
Darcee L. Moe
Rule Reviewer

/s/ BRENDA NORDLUND
Brenda Nordlund, Acting Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State October 13, 2020.