

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

In the matter of the proposed adoption of) NOTICE OF PUBLIC HEARING ON
NEW RULE I medical direction) PROPOSED ADOPTION

TO: All Concerned Persons

1. On November 13, 2008, at 11:00 a.m., a public hearing will be held in room 439, 301 South Park Avenue, Helena, Montana to consider the proposed adoption of the above-stated rule.

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 (board) no later than 5:00 p.m., on November 7, 2008, to advise us of the nature of the accommodation that you need. Please contact Ken Threet, Board of Medical Examiners, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2359; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail dlibsmed@mt.gov.

3. The proposed new rule provides as follows:

NEW RULE I MEDICAL DIRECTION (1) Effective June 30, 2009 and within six months of taking on the responsibilities as an EMT off-line medical director, a physician or physician assistant shall:

(a) complete a board specified training program;
(b) demonstrate the principals of medical direction; or
(c) receive approval from the board in the event that (1)(a) or (b) is not available in that six month period.

(2) A physician or physician assistant who fails to comply with the requirements of (1) may not function as a medical director.

(3) The off-line medical director shall be responsible for the overall medical care provided by EMTs for whom the director agrees to provide medical oversight.

(4) The off-line medical director must assure and have access to records of all EMTs for whom the director provides medical oversight. These records must include but are not limited to:

(a) the name, address, and current Montana licensure of the EMT including any endorsements;

(b) date when medical oversight began and at what level the EMT is authorized to function; and

(c) any changes to limit or approve the EMT's ability to function at the EMT's current licensure level.

(5) The off-line medical director must develop a process to assure continued appropriate patient care. This process may include regular review of patient care

reports (PCR), direct observation of care, skills demonstrations, and ongoing involvement in EMT education. Documentation of these activities must be maintained.

(6) An off-line medical director may assign duties where appropriate but retains the responsibility for all assigned duties.

(7) The off-line medical director may cease medical oversight by providing written notice to the EMT and the board.

AUTH: 37-3-203, 50-6-203, MCA

IMP: 50-6-203, MCA

REASON: Montana physicians are currently providing medical oversight to emergency medical technicians (EMTs) operating in local areas across the state. The board notes that only a single provision in the board's administrative rules at ARM 24.156.625(1)(x) addresses this medical oversight by including a medical director's failure to appropriately supervise and train EMTs as unprofessional conduct. The board concluded that this provision fails to adequately define the role and responsibilities of the EMT medical director. The board determined it is reasonably necessary to propose this new rule and set forth the board's intent by clearly delineating the role and function of the EMT medical director for physicians functioning as or wishing to function as medical director.

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 by e-mail to dlibsmed@mt.gov, and must be received no later than 5:00 p.m., November 21, 2008.

5. An electronic copy of this Notice of Public Hearing is available through the department and board site on the World Wide Web at www.medicalboard.mt.gov. The department strives to make the electronic copy of this Notice conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address 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 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 notice requirements of 2-4-302, MCA, do not apply.

8. Anne O'Leary, attorney, has been designated to preside over and conduct this hearing.

BOARD OF MEDICAL EXAMINERS
ARTHUR K. FINK, DO, PRESIDENT

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

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State October 14, 2008