



Certification Page Regular and Emergency Rules

Revised May 2014

Emergency Rules *(After completing all of Sections 1 and 2, proceed to Section 5 below)*

Regular Rules

1. General Information

a. Agency/Board Name Wyoming Department of Health		
b. Agency/Board Address 6101 Yellowstone Rd., Ste. 400	c. City Cheyenne	d. Zip Code 82002
e. Name of Contact Person Andy Gienapp	f. Contact Telephone Number 307-777-7955	
g. Contact Email Address andy.gienapp@wyo.gov	h. Adoption Date September 1, 2016	
i. Program Emergency Medical Services-General		

2. Rule Type and Information: For each chapter listed, indicate if the rule is New, Amended, or Repealed.

If "New," provide the Enrolled Act numbers and years enacted:

c. Provide the Chapter Number, Short Title, and Rule Type of Each Chapter being Created/Amended/Repealed
(Please use the Additional Rule Information form for more than 10 chapters, and attach it to this certification)

Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input checked="" type="checkbox"/> Amended	<input type="checkbox"/> Repealed
4	Response and Reporting Requirements		<input checked="" type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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d. The Statement of Reasons is attached to this certification.

e. If applicable, describe the **emergency** which requires promulgation of these rules without providing notice or an opportunity for a public hearing:

3. State Government Notice of Intended Rulemaking

a. Date on which the Notice of Intent containing all of the information required by W.S. 16-3-103(a) was filed with the **Secretary of State**: July 6, 2016

b. Date on which the Notice of Intent and proposed rules in strike and underscore format and a clean copy were provided to the **Legislative Service Office**: July 6, 2016

c. Date on which the Notice of Intent and proposed rules in strike and underscore format and a clean copy were provided to the **Attorney General**: July 6, 2016

4. Public Notice of Intended Rulemaking

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. Yes No N/A

b. A public hearing was held on the proposed rules. Yes No

If "Yes:"	Date:	Time:	City:	Location:

5. Final Filing of Rules

a. Date on which the Certification Page with original signatures and final rules were sent to the **Attorney General's Office for the Governor's signature**: September 1, 2016

b. Date on which final rules were sent to the **Legislative Service Office**: September 1, 2016

c. Date on which a PDF of the final rules was electronically sent to the **Secretary of State**: September 1, 2016

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct.

Signature of Authorized Individual
(Blue ink as per Rules on Rules, Section 7)

Printed Name of Signatory

Thomas O. Forslund

Signatory Title

Director

Date of Signature

September 1, 2016

7. Governor's Certification

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature

Date of Signature

Attorney General: 1. Statement of Reasons; 2. Original Certification Page; 3. Summary of Comments (regular rules); 4. Hard copy of rules: clean and strike/underscore; and 5. Memo to Governor documenting emergency (for emergency rules only).

LSO: 1. Statement of Reasons; 2. Copy of Certification Page; 3. Summary of Comments (regular rules); 4. Hard copy of rules: clean and strike/underscore; 5. Electronic copy of rules (PDFs) emailed to Criss.Carlson@wyoleg.gov: clean and strike/underscore; and 6. Memo to Governor documenting emergency (for emergency rules only).

SOS: 1. PDF of clean copy of rules; and 2. Hard copy of Certification Page as delivered by the AG.

CHAPTER 4

Rules and Regulations for Wyoming Emergency Medical Services Intent to Adopt Amended Rule

Statement of Reasons

The Wyoming Department of Health proposes to adopt the following Amended Rule pursuant to the provisions of Wyo. Stats. Ann. §§ 35-1-801 through -805, the Wyoming Emergency Medical Services Act of 1977, Wyo. Stat. Ann. §§ 33-36-101 through -115, and the Wyoming Administrative Procedure Act, Wyo. Stat. Ann. §§ 16-3-101 through -115.

The Department in promulgating these Rules will clarify the circumstances under which an emergency medical services (EMS) patient care report may be released. Additionally, the Department will clarify that it is the responsibility of EMS personnel to ensure accurate and timely submission of reports. Other proposed changes bring consistency to formatting and comport with the Secretary of State's Rules on Rules.

Wyoming Statute § 33-36-103(a) requires the Department to confer with private and volunteer ambulance services prior to promulgating rules. The proposed changes were distributed via the email listservs maintained by the Office of Emergency Medical Services to every ambulance service supervisor and Physician Medical Director to meet this requirement. A two week time period was allotted for input prior to beginning the promulgation process.

As required by Wyo. Stat. Ann. § 16-3-103(a)(i)(G), these rules and regulations meet minimum substantive state statutory requirements.

RULES AND REGULATIONS
FOR EMERGENCY MEDICAL SERVICES

CHAPTER 4

RESPONSE AND REPORTING REQUIREMENTS

Section 1. **Authority.** In addition to the authority delegated under W.S. 33-36-101, these rules are promulgated under the authority of W.S. 35-1-801 to enable the Division in developing and reporting on the comprehensive EMS and Trauma system by establishing uniform criteria for EMS agency reporting and response. For the purposes of this chapter, “EMS agency” means any ambulance, authorized fire protective service or other entity dispatched with the intent to provide medical care in response to an emergency request for medical care.

Section 2. **Ambulance Personnel Criteria.** An ambulance shall comply with the following:

- (a) Ground ambulances, when transporting a patient, shall be staffed with a driver and at least one (1) licensed EMT as provided in Chapter 5;
- (b) All air ambulance service flights shall require at least one (1) licensed EMT and a flight crew in conformity with current Federal Aviation Regulations and 14 CFR Parts 91, 120, and 135; and
- (c) Any physician, registered nurse, physician assistant, or nurse practitioner currently licensed in this state may provide care in an ambulance in accordance with their scope of practice when approved by the ambulance service.

Section 3. **Running Criteria.**

- (a) The driver of a ground ambulance shall comply with all Wyoming traffic laws and regulations, including W.S. 31-5-928 and 31-5-952;
- (b) In the absence of decisive factors to the contrary, ambulances shall transport “emergent” or “urgent” patients to the closest accessible medical facility equipped, staffed and prepared to receive emergency cases and administer emergency medical care appropriate to the needs of the patient; and
- (c) Siren and approved warning light restrictions. Ground ambulance drivers shall not activate warning lights or use the siren except when responding to an emergency call, providing for safety at the scene of a response or other hazard, or transporting

emergency patients who are classified as "emergent" or "urgent" as defined in Section 5 of this Chapter.

Section 4. Patient Care Reporting.

(a) To promote the uniform provision and accountability of the comprehensive emergency medical services and trauma system, all EMS agencies and their personnel shall utilize the Division's electronic patient care reporting system to document the provision of emergency medical services or related trauma care.

(b) EMS personnel providing care to a patient shall provide patient care reports to any EMS agency or healthcare facility receiving the transfer of care of a patient to ensure the continuity of patient care and patient safety.

(c) At a minimum, EMS personnel shall ensure that appropriate personnel receiving the transfer of care of a patient are aware of the patient's presence, that systems and equipment necessary for the monitoring and safety of the patient are in place, and that a verbal report of the care provided by the ambulance service has been provided to the appropriate person.

(d) EMS personnel providing care to and transport of a patient shall leave a copy of the patient care report with the receiving medical facility or EMS agency at the time of the transfer of care of the patient whenever practicable. EMS personnel that provide care to a patient shall submit complete and accurate patient care reports for every request for service in the electronic system maintained by the Division no later than two (2) hours after the ambulance or agency is returned to service and available for response with the following exceptions:

(i) If a patient is transported to a receiving facility outside of the agency's primary response area, and the distance and return time factors prohibit the upload of the patient care report into the system, then the patient care report shall be submitted to the Division's electronic system no later than twelve (12) hours after the return to service;

(ii) If an equipment or system failure occurs that prohibits the upload of the patient care report into the system, then the patient care report shall be submitted to the Division's electronic system no later than twenty-four (24) hours after the system is restored. In these circumstances, the EMS agency or reporting party shall notify the Division. Password expiration or system access actions that are the responsibility of the EMS agency or person shall not be considered equipment or system failures;

(iii) The submission of an amendment or addendum to a previously submitted patient care report, which is submitted to ensure that the previous report is complete and accurate.

(e) Cardiac rhythm strips, 12 lead electrocardiograph (ECG) tracings, and any other reports generated by patient monitoring equipment, shall be considered to be part of the patient care report. Copies of these reports shall be provided to the receiving facility and uploaded into the Division's electronic system.

(f) The Division may inspect the patient care reports of any EMS agency covered by these rules.

(g) No person shall release a patient care report without the patient's consent, except as provided in subpart (h) of this section.

(h) A person may release a patient care report:

(i) to a health care facility;

(ii) to the Department of Health, including its individual divisions and programs;

(iii) to a law enforcement officer;

(iv) to the Wyoming Attorney General's office;

(v) pursuant to a lawful court order; or

(vi) as otherwise required or permitted by law.

Section 5. **Patient Classifications.** For the purpose of these Rules and Regulations the following patient classification definitions shall be used:

(a) "Emergent" means the patient requires immediate transport and treatment to prevent death or permanent disability.

(b) "Urgent" means there is a serious illness or injury to the patient which could expose the patient to risk of death or permanent disability unless treatment is initiated at a medical facility within a reasonable length of time.

(c) “Non-emergent” means a patient who has an injury or illness that is presently stable, which poses no present threat to life or risk of permanent disability, and does not require the use of emergency vehicle warning devices.

(d) For patients who are classified as emergent or urgent, the use of emergency vehicle warning devices is appropriate.

Section 6. Other Mandatory Reporting Requirements.

(a) All EMS agencies that come under the provisions of these rules shall submit to the Division a copy of any requests for information filed with them. Any such requests shall be sent to the Division by certified mail, return receipt requested, within thirty (30) days of receipt of such request.

(b) All EMS agencies shall report any service of process, as defined in Chapter 1, Section 4(qq) of these rules to the Division within one (1) working day of receipt of service.

(c) Any EMS agency or person licensed or authorized under these rules that has cause to believe or information indicating that any person or EMS agency is, or may be in violation of these rules, shall report that information to the Division. Failure to report such information shall be considered aiding and abetting in the violation of these rules.

(d) EMS agencies authorized to perform needle or surgical cricothyrotomy or rapid sequence intubation (RSI) shall notify the Division via e-mail within two hours of the performance of these procedures. The Division shall review all cases.

(e) Ambulance services shall notify the Division within two (2) hours of any incident or accident requiring reporting to the Federal Aviation Administration (FAA) or the National Transportation Safety Board, or that inhibits or prohibits the ability of the ambulance to transport a patient.

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(c) Any physician, ~~osteopath~~, registered nurse, physician assistant, or nurse practitioner currently licensed in this state may ~~function as an attendant~~ provide care in an ambulance in accordance with their scope of practice when approved by the ambulance service.

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(f) The Division may inspect the patient care reports of any EMS ~~Agency~~ agency covered by these rules.

(g) No person shall release a ~~Patient patient Care care Report report~~ without the patient's consent, except ~~to a health care facility, the Division, a law enforcement officer, the Wyoming Attorney General's Office, pursuant to a lawful court order, or as otherwise required by law~~ as provided in subpart (h) of this section.

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(i) to a health care facility;

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