

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

In the matter of the emergency) NOTICE OF TEMPORARY
amendment of ARM 24.156.2771) EMERGENCY RULE AMENDMENT
pertaining to ECP scope of practice)

TO: All Concerned Persons

1. The Montana Board of Medical Examiners (board) is adopting a temporary emergency amendment to ARM 24.156.2771. Industry stakeholder groups have informed the board that ARM 24.156.2771(7)(c) causes unnecessary administrative burden and impacts their ability to provide emergency care for personnel on wildland fires. Specifically, wildland firefighting agencies state 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 point 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. The COVID-19 pandemic has exacerbated this burden. When the board proposed rule changes as part of MAR Notice No. 24-156-85, the criticisms now offered were not submitted as public comment. The board has determined that public safety is not compromised by allowing EMTs to practice at the basic EMT level without such medical direction. The chief legal counsel of the Department of Labor and Industry has concluded that emergency rulemaking is required to make these changes effective before the end of fire season.

2. The temporary emergency amendment is effective September 21, 2020, when this rule notice is filed with the Secretary of State.

3. The text of the temporary emergency amendment provides as follows:

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

4. A standard rulemaking procedure will be undertaken prior to the expiration of this temporary emergency amendment.

5. 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.

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

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 September 21, 2020.