

Mississippi Secretary of State

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME MS State Department of Health		CONTACT PERSON Jim Craig	TELEPHONE NUMBER 601-576-7847	
ADDRESS PO Box 1700		CITY Jackson	STATE MS	ZIP 39215 -1700
EMAIL Cassandra.Walters@msdh.ms.gov	SUBMIT DATE 3/1/2022	Name or number of rule(s): Title 15, Part 16, Subpart 1, Chapter 41 - Minimum Standards of Operation for Mississippi Hospitals		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: To mitigate waiting for Emergency Medical Services (EMS) resources of Mississippi licensed hospitals.

Specific legal authority authorizing the promulgation of rule: 41-9-17

List all rules repealed, amended, or suspended by the proposed rule:

Amendment of Rule 41.26.3 to Title 15, Part 16, Subpart 1, Chapter 14 - Minimum Standards of Operation of Mississippi Hospitals Regulations

ORAL PROCEEDING:

☒ An oral proceeding is scheduled for this rule on Time: Mar 28, 2022 11:30 AM Central Time (US and Canada)
Join from PC, Mac, Linux, iOS or Android: <https://us06web.zoom.us/j/82592656953>

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

ECONOMIC IMPACT STATEMENT:

☐ Economic impact statement not required for this rule. ☒ Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
_____ Original filing _____ Renewal of effectiveness To be in effect in _____ days Effective date: _____ Immediately upon filing _____ Other (specify): _____	Action proposed: _____ New rule(s) ☒ Amendment to existing rule(s) _____ Repeal of existing rule(s) _____ Adoption by reference Proposed final effective date: ☒ 30 days after filing _____ Other (specify): _____	Date Proposed Rule Filed: _____ Action taken: _____ Adopted with no changes in text _____ Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed Effective date: _____ 30 days after filing _____ Other (specify): _____

Printed name and Title of person authorized to file rules: Jim Craig, Senior Deputy and Director Health Protection

Signature of person authorized to file rules:

Craig, Jim
E05AC2889F3540C

OFFICIAL FILING STAMP	OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
Accepted for filing by	DO NOT WRITE BELOW THIS LINE FILED MAR 01 2022 MISSISSIPPI SECRETARY OF STATE Accepted for filing by <i>20166 Pom</i>	Accepted for filing by

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.



Michael Watson

SECRETARY OF STATE

CONCISE SUMMARY OF ECONOMIC IMPACT STATEMENT

An Economic Impact Statement is required for this proposed rule by Section 25-43-3.105 of the Administrative Procedures Act. This is a Concise Summary of the Economic Impact Statement which must be filed with the Secretary of State's Office.

AGENCY NAME Mississippi State Department of Health	CONTACT PERSON Jim Craig		TELEPHONE NUMBER 601-576-7847
ADDRESS 570 East Woodrow Wilson Avenue	CITY Jackson	STATE MS	ZIP 39208
EMAIL Cassandra.walter@msdh.ms.gov	DESCRIPTIVE TITLE OF PROPOSED RULE Title 15: MSDH Part 16: Health Facilities Subpart 1: Health Facilities Licensure and Certification		
Specific Legal Authority Authorizing the promulgation of Rule: <i>Miss. Code Ann. §41-9-17</i>		Reference to Rules repealed, amended, or suspended by the Proposed Rule: Rule 41.26.3	

A. Estimated Costs and Benefits

- Briefly summarize the benefits that may result from this regulation and who will benefit: The proposed rule ensures hospitals have addressed through policy the necessary actions needed to alleviate increased wait times for EMS operators whose ambulances are currently being delayed at hospitals and unable to answer incoming emergency medical calls and transfer emergent patients.
- Briefly describe the need for the proposed rule: Presently, EMS crews may be delayed at emergency departments waiting for patients to be transferred from the EMS stretcher to an appropriate area of the hospital. When EMS crews are delayed along these lines, this poses a potential public health concern. When ambulances cannot respond to an incoming emergency call due to being delayed at a hospital emergency department or inpatient area, patients experiencing emergency medical conditions in need of pre-hospital care may suffer untoward outcomes and exacerbation of their conditions.
- Briefly describe the effect the proposed action will have on the public health, safety, and welfare: A hospital has an EMTALA (Emergency Medical Treatment and Labor Act) obligation as soon as a patient "presents" at a hospital's dedicated emergency department, or on hospital property (as defined by 42 CFR 489.24(b)) other than the dedicated emergency department, and a request is made on the individual's behalf for examination or treatment of an emergency medical condition. A patient who arrives by ambulance meets this requirement when EMS personnel request treatment from hospital staff. Once a patient presents to the dedicated emergency department of the hospital, whether by EMS or otherwise, the hospital has an obligation to see the patient. Nothing in this proposed rule is meant to reduce or extend a hospital's obligation under EMTALA. The proposed rule allows the development of policy to ensure hospitals can respond to the EMS proposed requirement which provides for EMS pre-hospital providers delivering patients to definitive care at a hospital emergency department to find a suitable place in the emergency department for transported patients when emergency departments staff do not otherwise transition care of patients within 30 (thirty) minutes of arrival at the emergency department. Development of the policy to adhere to the proposed EMS rule will assist EMS pre-hospital crews to return to service within a reasonable timeframe and provide increased availability of ambulances for Mississippians experiencing emergency medical conditions.
- Estimated Cost of implementing proposed action:
 - To the agency
☒ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive

- b. To other state or local government entities
☐ Nothing ☐ Minimal ☒ Moderate ☐ Substantial ☐ Excessive
5. Estimated Cost and/or economic benefit to all persons directly affected by the proposed rule:
- c. Cost:
☐ Nothing ☐ Minimal ☒ Moderate ☐ Substantial ☐ Excessive
- d. Economic Benefit:
☐ Nothing ☐ Minimal ☐ Moderate ☒ Substantial ☐ Excessive
6. Estimated impact on small businesses:
☐ Nothing ☐ Minimal ☒ Moderate ☐ Substantial ☐ Excessive
- a. Estimate of the number of small businesses subject to the proposed regulation: ~94 hospitals with emergency departments
- b. Projected costs for small businesses to comply: Only 7 hospitals responded to the hospital survey. One hospital noted that implementation of the rule would save the hospital more than \$60,000, because said hospital operates an ambulance service. Conversely, 14 ambulance services responded that adoption of the rule would provide significant economic benefit for their ambulance service as cost savings.
- c. Statement of probable effect on impacted small businesses: Of the 7 hospitals that responded to the survey, the 2 hospitals that indicated significant costs were small hospitals with less than 70 beds. On average, the cost indicated for policy development required by the rule change averaged \$25,000 due to involvement by numerous hospital staff and approval from higher level administrative staff. These 2 hospitals indicated the impact to the EMS regulations would result in additional staff needs within the ED. The larger hospital (67 beds) indicated the need for 2 RNs at an average of \$38/HR for non-agency nurses to \$180/HR for agency (contractual) nurses. The smaller hospital (48 beds) indicated the need for 8.2 FTE RNs at current rate of \$130/HR, 4.2 FTE unit clerks at a current rate of \$25/HR putting total staffing costs at \$2.47M. The survey suggests a somewhat minimal impact on policy development but larger costs due to the need for additional staffing. The survey does reflect ambulance operators and hospitals with their own EMS services anticipate cost savings from adoption of the rule with one hospital indicating current policies already in place have resolved wall time issues within their facility..
7. The cost of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):
☒ substantially less than ☐ moderately less than ☐ minimally less than
☐ the same as ☐ minimally more than ☐ moderately more than
☐ substantially more than ☐ excessively more than
8. The benefit of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):
☐ substantially less than ☐ moderately less than ☐ minimally less than
☐ the same as ☐ minimally more than ☐ moderately more than
☒ substantially more than ☐ excessively more than

B. Reasonable Alternative Methods

1. Other than adopting this rule, are there less costly or less intrusive methods for achieving the purpose of the proposed rule?
☐ yes ☒ no

2. If yes, please briefly describe available, reasonable alternative(s) and the reasons for rejecting those alternatives in favor of the proposed rule. (Please see §25-43-4.104 for factors you must consider.)
N/A

C. Data and Methodology

1. Please briefly describe the data and methodology you used in making the estimates required by this form. Surveys on economic impacts were sent to both hospitals and licensed ambulance services.

D. Public Notice

1. Where, when, and how may someone present their views on the proposed rule and request an oral proceeding on the proposed rule if one is not already scheduled?

Time: Mar 28, 2022 11:30 AM Central Time (US and Canada)

Join from PC, Mac, Linux, iOS or Android: <https://us06web.zoom.us/j/82592656953>

SIGNATURE DocuSigned by: <i>Craig, Jim</i> E8EAC2B89F2540C...	TITLE Senior Deputy and Director of Health Prot
DATE 3/1/2022	PROPOSED EFFECTIVE DATE OF RULE 30 Days after Final Adoption