

**Michigan Office of Administrative Hearings and Rules**  
**Administrative Rules Division (ARD)**

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**REQUEST FOR RULEMAKING (RFR)**

**1. Department:**

Health and Human Services

**2. Bureau:**

Population Health and Community Services

**3. Promulgation type:**

Full Process

**4. Title of proposed rule set:**

EMS Life Support Agencies and Medical Control

**5. Rule numbers or rule set range of numbers:**

325.22101 to 325.22217

**6. Estimated time frame:**

6 months

**Name of person filling out RFR:**

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**7. Describe the general purpose of these rules, including any problems the changes are intended to address.**

The rules address the licensing requirements for emergency medical services (EMS) life support agencies and medical control authorities (MCA). Since the introduction of these rules in 2004, there has not been a complete review of the rules to keep up with the changes that have occurred within the EMS system since that time. There were redundancies in some of the rules, and other advances in evidence-based EMS practice that have been implemented as a result of the previous rules set that needed additional clarification or modifications, for example the changes in technology that have occurred since 2004. The last change to this rule set was in 2018 and it was R 22181. In addition, the Certificate of Need for air ambulance services Section 22215 of Act No. 368 of the Public acts of 1978 as amended and sections 7 and 8 of Act No. 306 of the Public Acts of 1969, as amended, being sections 333.22215, 24.207 and 24.208 is being discontinued due to the Airline Deregulation Act. This necessitates ensuring that appropriate portions of the Certificate of Need that address medical care requirements for air ambulances are contained in the rules.

**8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).**

Director and State emergency medical services coordination committee for review and comment.  
MCL 333.20910.

**A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).**

Sections 2233, 20910 and 20975 of 1978 PA 368, MCL 333.2233, 333.20910 and 333.20975, and Executive Reorganization Order 2015-1, MCL 400.227.

**B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.**

MCL 333.20910 requires the Department to promulgate rules to establish the requirements for licensure of life support agencies, vehicles, and individuals licensed under this part to provide emergency medical services and other rules necessary to implement the statute and to promulgate rules to establish and maintain standards for and regulate the use of descriptive words, phrases, symbols, or emblems that represent or denote that an ambulance operation, non-transport prehospital life support operation, or medical first response service is or may be provided.

**9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.**

There are no known conflicts, duplicate similar rules, or compliance requirements at the state, regional, or federal level involving the proposed revisions.

**10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?**

There are manuals and licensure applications that may need to be revised based on the new rules. They include such documents as: Life Support Agency Licensure and Inspection Manual, Agency Checklists that list the applicable rule number, which may change with the new rule set, the MDCH EMS and Trauma Systems Section and Office of Legal Affairs and FOIA document referencing the Authority to Collect Data will be updated, the Medical Control Authority Handbook will be updated as will the MCA Orientation Presentation.

**11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?**

The rules were listed on the department's annual regulatory plan for rules to be processed in the current year.

**12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?**

Full Process

**13. Please describe the extent to which the rules exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.**

The rule revisions will bring the rules in line with current standards in the EMS System. They do not exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

**14. Do the rules incorporate the recommendations received from the public regarding any complaints or comments regarding the rules? If yes, please explain.**

Yes. This rule set has gone through an extensive and transparent review process over the past two years with the State appointed Emergency Medical Services Coordination Committee (EMSCC) which consists of stakeholders from all levels of the EMS system and associated professional organizations, and their various subcommittees. The EMSCC and subcommittees consist of a broad range of stakeholders within the EMS System. The full EMSCC was provided with the final sets of recommended rules at the July 2020 meeting. The EMSCC unanimously voted to approve moving these rules forward as written.

**15. If amending an existing rule set, please provide the date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed the regulatory activity covered by the rules since the last evaluation.**

While there have been a few changes over the years, there has not been a complete evaluation of the rule set since 2004. Since that time, there have been many advancements in technology, science, and economic conditions that warrant a fresh look at the regulations for the EMS System in Michigan. In 2016 EMS personnel licensure was automated, currently in 2020 EMS agency licensure is being implemented with one more quarter left in calendar year 2020. By January 1, 2021 all EMS agency licensure will be completed electronically. Medical Control Authority approvals are completed on-line, EMS protocols are now available to all EMS personnel online, and complaint investigation are now incorporated into the licensing modules making it easier to track and report data. In addition, 100% of the EMS agencies in MI are now able to submit data into the Michigan Emergency Medical Services Information System (MI EMSIS). Data submitted is critical to development of evidence-based protocols to guide clinical care and for professional standards review organization activities. The COVID-19 pandemic has forced the department to look at some regulatory activities through a new lens. This has resulted in utilizing technology such as Teams, Zoom, FaceTime to conduct remote life support vehicle inspections, and much of the policy and procedural inspections are also now done through the ImageTrend licensing system.

**16. Are there any changes or developments since implementation that demonstrate there is no continued need for the rules, or any portion of the rules?**

There is a continued need for the rules. However, as the rules were carefully reviewed, it was discovered that some of the rules were redundant with the only language being different was the level of service. The various committees that worked on these rules were able to consolidate language that was repetitive into one comprehensive rule in many places. In addition, if the statute was particularly clear and definitive and then repeated word for word in a rule, these rules were deleted. These consolidations and deletions are noted on the attached spreadsheet.

**17. Is there an applicable decision record (as defined in MCL 24.203(6) and required by MCL 24.239(2))? If so, please attach the decision record.**

No