

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 641. EMERGENCY MEDICAL SERVICES**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Subchapter 17. Stretcher Aid Van Service

310:641-17-19. Sole source ordinances [AMENDED]

310:641-17-20. Suspension, revocation, probation, or non-renewal of a licensee
[AMENDED]

SUMMARY:

Throughout Subchapter 17, “Stretcher Aid Vans” is renamed to “Stretcher Vans” and “patient” is changed to “passenger” pursuant to current statutory definitions and nomenclature.

AUTHORITY:

State Commissioner of Health, Title 63 O.S., §1-104; 63 O.S., §1-2511 (8)

COMMENT PERIOD:

February 3, 2020, through March 7, 2020. Interested persons may informally discuss the proposed rules with the contact person identified below; or may, through March 7, 2020, submit written comment to the contact person identified below, or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S., §303(A), the public hearing for the proposed rulemaking in this chapter shall be on March 6, 2020, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 from 9AM to noon. The alternate date and time in the event of an office closure due to inclement weather is March 10, 2020, in room 1102, from 9AM to noon. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through March 7, 2020, to the contact person identified below.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from the contact person identified below or via the agency website at www.ok.gov/health.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is available through the contact person identified below or via the agency website at www.ok.gov/health.

CONTACT PERSONS:

Kim Bailey, General Counsel, Oklahoma State Department of Health, 1000 N. E. 10th Street, Oklahoma City, OK 73117-1207; phone (405) 271-6017, e-mail KimB@health.ok.gov or Audrey C. Talley, Rule Liaison, Oklahoma State Department of Health, 1000 N. E. 10th Street, Oklahoma City, OK 73117-1207, phone (405) 271-9444 ext.56535, e-mail AudreyT@health.ok.gov.

INITIAL RULE IMPACT STATEMENT

(This document may be revised based on comment received during the public comment period.)

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 641. EMERGENCY MEDICAL SERVICES**

1. **DESCRIPTION:**
The Oklahoma Trauma and Emergency Response Advisory Council (OTERAC) regulations workgroup, State Department of Health, and legislative mandates led to the proposed changes in five subchapters of Chapter 641. The amendments to the subchapters and sections include:

310:641-17 (specifically, 310:641-17-19 and 310:641-17-20). These changes are being made to change “stretcher aid van” to “stretcher van” and “patient” to “passenger”, to be consistent with the terminology used throughout the amended Chapter 641 and statute.
2. **DESCRIPTION OF PERSONS AFFECTED AND COST IMPACT RESPONSE:**
310:641-17. The changes for stretcher vans affect terminology and should result in minimal cost impact. The agencies will see minimal to no cost increases.
3. **DESCRIPTION OF PERSONS BENEFITING, VALUE OF BENEFIT AND EXPECTED HEALTH OUTCOMES:**
The expected benefits and health outcomes for the citizens within the State of Oklahoma include: 310:641-17. There are no expected changes for health outcomes.
4. **ECONOMIC IMPACT, COST OF COMPLIANCE AND FEE CHANGES:**
310:64-:17. There is potential for a shift of passengers between ambulance and stretcher aid van industries which could result in shifting of revenue.
5. **COST AND BENEFITS OF IMPLEMENTATION AND ENFORCEMENT TO THE AGENCY:**
310:641-17. There is potential for a shift of passengers between ambulance and stretcher aid van industries which could result in shifting of revenue.
6. **IMPACT ON POLITICAL SUBDIVISIONS:**
No impacts on political subdivisions are expected for Chapter 310:641-17.
7. **ADVERSE EFFECT ON SMALL BUSINESS:**
No impacts on small business are expected for Chapter 310:641-17.
8. **EFFORTS TO MINIMIZE COSTS OF RULE:**
No needs to minimize costs for the agency or industry have been identified as the costs for the agency are anticipated to be absorbed in existing day-to-day efforts of the agency and no adverse cost implications have been identified for these proposed rule changes.
9. **EFFECT ON PUBLIC HEALTH AND SAFETY:**
310:641-17. Public health and safety will not be impacted by the change in terminology.
10. **DETRIMENTAL EFFECTS ON PUBLIC HEALTH AND SAFETY WITHOUT ADOPTION:**

310:641-17. Failure to adopt stretcher aid van rule changes would result in the agency being out of compliance with other amendments to the statute to achieve consistency in terminology.

11. **PREPARATION AND MODIFICATION DATES:**

This rule impact statement was prepared on Monday, December 2, 2019.

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 641. EMERGENCY MEDICAL SERVICES**

SUBCHAPTER 17. STRETCHER ~~AID~~ VAN SERVICE [AMENDED]

310:641-17-19. Sole source ordinances [AMENDED]

(a) A stretcher ~~aid~~ van service which operates as a sole source provider established by EMS regions, ambulance service districts, or municipalities shall file with the Department a copy of the ordinance or regulation and a copy of the contract to operate as a sole source provider. This requirement shall be retroactive and includes all established sole source ordinances and resolutions.

(b) A stretcher ~~aid~~ van service which operates as a sole source provider for a "region" as established pursuant to the Oklahoma Interlocal Cooperation Act (Title 74, Section 1001, et seq.), shall file with the Department, a copy of the interlocal agreement and any ordinance or other regulations or contract or agreement established by the region for ambulance service provision.

(c) Violation of contracts established herein may be cause for enforcement action by the Department.

310:641-17-20. Suspension, revocation, probation, or non-renewal of a licensee [AMENDED]

(a) The Department may suspend or revoke a license and/or fine or place on probation a license or licensee for the following:

- (1) violations of any of the provision of the Oklahoma Statutes, the Act, or this chapter;
- (2) permitting, aiding, or abetting in any illegal act in connection with the ambulance service;
- (3) conduct of any practice that is detrimental to the welfare of the ~~patient~~ passenger or potential users of the service;
- (4) responding to requests for service or completing transports that are not permitted by the type of license issued by the Department;
- (5) placing a vehicle into service before it is properly inspected, approved, and permitted by the Department;
- (6) failure to comply with a written order issued by the Department within the time frame specified by the Department;
- (7) engaging in any act which is designed or intended to hinder, impede, or obstruct the investigation of any matter governed by the Act or by any lawful authority;
- (8) a stretcher ~~aid~~ van service who fails to renew their Oklahoma license within the time frame and other requirements as specified in these rules shall be considered an expired or lapsed licensee and therefore no longer licensed as an ambulance service in the State of Oklahoma;
- (9) a misleading, deceptive, false, or fraudulent advertisement or other representation in the conduct of the profession or occupation;
- (10) offering, giving, promising anything of value or benefit, as defined in Oklahoma Statutes or Department Policy to a Federal, state, or local governmental official for the purpose of influencing the employee or official to circumvent a Federal, state, or local law, rule, or ordinance governing the licensee's profession or occupations;
- (11) interference with an investigation disciplinary proceeding by willful misrepresentation of facts, by the use of threats or harassment against or inducement to a client or witness to prevent them from providing evidence in a disciplinary proceeding or other legal action, or by use of threats or harassment against or inducement to a person to prevent or attempt to prevent a disciplinary proceeding or other legal action from being filed, prosecuted, or completed;
- (12) failure to report the unprofessional conduct or non-compliance of regulations by individually licensed and certified personnel as defined in this Chapter.

(b) No person, company, governmental entity or trust authority may operate an ambulance service or emergency medical response agency except in accordance with the Act and the rules as promulgated by

the State Board. The Commissioner, District Attorney of the county wherein a violation occurs, or the Attorney General of this State, shall have the authority to enforce provisions of the law.

(c) A license/certificate/permit holder or applicant in connection with a license application or an investigation conducted by the Department pursuant to this rule shall not:

- (1) knowingly make a false statement of material fact;
- (2) fail to disclose a fact necessary to correct a misapprehension known by the licensee to have arisen in the application or the matter under investigation; or
- (3) fail to respond to a demand for information made by the Department or any designated representative thereof.

(d) If in the course of an investigation, the Department determines that a license/certificate/permit holder or applicant has engaged in conduct that is detrimental to the health, safety, or welfare of the public, and which conduct necessitates immediate action to prevent further harm, the Commissioner may order a summary suspension of the license/certificate/permit holder's license, certificate, or permit respectively. A presumption of imminent harm to the public shall exist if the Department determines probable cause for conduct of any practice that is detrimental to the welfare of the patient or potential users of the service.

(e) In addition to any other penalties, a civil fine of not more than one hundred (\$100.00) dollars per violation per day may be assessed, for violations of the Act or this Chapter.