

KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Kentucky Board of Emergency Medical Services
(Amendment)

202 KAR 7:540. Emergency Medical Services data collection, management, and compliance.

RELATES TO: KRS 311A.020, 311A.035, 311A.045, 311A.060, 311A.155, 311A.190, 23 U.S.C. 403(b)(1)(A)(iv), 405(c)(3)(C), 42 U.S.C. 300d-4(b)(1)

STATUTORY AUTHORITY: KRS 311A.190

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311A.190 authorizes the Kentucky Board of Emergency Medical Services to promulgate administrative regulations concerning EMS information that ambulance services shall furnish to the board and authorizes the Kentucky Board of Emergency Medical Services to require collection and submission of EMS data that will allow for analysis of the state's needs for provision of EMS and that will allow the state to participate in the National Emergency Medical Services Information System (NEMSIS), a multi-partnered project that is funded by the National Highway Traffic Safety Administration, the Health Resources and Services Administration, the Centers for Disease Control and Prevention, the Federal Emergency Management Administration, and HRSA's Office of Rural Health Policy. This administrative regulation establishes standards and criteria for data collection, submission, and compliance.

Section 1. Data Collection and Statewide Compliance Plan.

(1) The board shall require each licensed ambulance service to collect and submit run report data that aids in identifying patient care needs in the Commonwealth of Kentucky.

(2) The board shall collect, maintain, and use data provided by licensed ground and air ambulance services to assist the board and other state and federal agencies relevant to emergency management or public health.

(3) The information and data collected shall be used at a minimum to determine demographic trends and other emerging situations involving the provision of EMS to and the medical transport of individuals within the state.

(4) The board shall collect and use the submitted data to develop and adopt a statewide plan for EMS Information and Analysis.

Section 2. Data Management Committee.

(1) A Data Management Committee shall be established by this section.

(2) The Data Management Committee shall consist of seven (7) members appointed by the board chair in the manner established in 202 KAR 7:020.

(3) Any office of the board staff member specifically employed through or designated by the Kentucky Community and Technical College System (KCTCS) for the purpose of EMS data collection and analysis shall serve as the staff liaison for the Data Management Committee.

(4) The Data Management Committee shall be responsible for the following:

(a) The development of a statewide plan for data collection and compliance;

(b) Identification of information initiatives for EMS in Kentucky;

(c) Identification and research of funding sources tied to EMS data collection;

(d) Assistance to licensed services with questions or other needs associated with this administrative regulation, KRS Chapter 311A, and other issues associated with the board's statutory authority to require data collection and submission; and

(e) Matters identified by board members, the chair, or the executive director that involve da-

ta collection, data submission, or information use.

(5) The Data Management Committee shall be conducted in accordance with 202 KAR 7:020 and the board bylaws.

(6) The Data Management Committee shall schedule on an annual basis at least six (6) regular meetings.

Section 3. Data Collection and Submission. (1) Each licensed ground and air ambulance service shall collect data relevant to patient care in Kentucky.

(2) Each service shall collect data at a rate that allows the service to submit the required data elements to the board on a schedule established by Section 5 of this administrative regulation.

(3) Each service shall ensure data is collected and electronically entered only by the certified or licensed EMS professional involved in the delivery of care for the incident reported.

(4) Clinical data entry by individuals unaffiliated with the incident is not permitted and may subject the agency to discipline in accordance with KRS Chapter 311A.

Section 4. (1) The most recent version of the National EMS Information System (NEMSIS) data dictionary, US Department of Transportation National Highway Traffic Safety Administration (NHTSA) Uniform Pre-Hospital Emergency Medical Services (EMS) Dataset found at www.nemsis.org shall be Kentucky's standard for required data elements.

(2) The board may specify additional mandatory, required, recommended, or optional data elements be documented and submitted to the board as determined by the needs of the data program, EMS system, or research projects. [~~shall not require information that is not contained within the most recent version of the NEMSIS data dictionary found at www.nemsis.org.~~]

(3) The required data set shall be known as the Kentucky State Ambulance Reporting System (KSTARS) [~~Emergency Medical Services Information System (KEMSIS)~~] project.

(4) Modifications to the state required data elements may be received by the Data Management Committee continuously and evaluated not more than bi-annually or as determined by the Committee Chair at regularly scheduled or special called meetings of the Committee.

(a) The Data Management Committee shall evaluate the requested state data standard modification and vote to recommend modification or to take no action on the request;

(b) Recommendations on modification to the state data standard from the Data Management Committee shall then be forwarded to the board for action;

(c) If approved by the board, the office of the board shall initiate coordination of system and process modifications with applicable software vendors within fourteen (14) days;

(d)1. Licensed Kentucky EMS agencies shall coordinate with software vendors to implement modifications to applicable agency software within 120 days of notice.

2. Licensed Kentucky EMS agencies retain ultimate responsibility for data submission as required by this administrative regulation.

Section 5. Compliance; Manner and Rate of Submission. (1) Each licensed service shall submit data electronically upon the full implementation of KSTARS [~~KEMSIS~~].

(2) Data shall be provided electronically to KBEMS no later than seventy-two (72) hours after incident completion for ninety (90) percent of responses per calendar month. [~~the fifteenth day of the month following the last day of the prior reporting month. (Example: The day of submission for data collected in January shall be February 15.)~~]

(3) Failure to timely submit collected data at the rate required by subsection (2) of this section shall subject a service to disciplinary action pursuant to KRS Chapter 311A and late fees pursuant to 202 KAR 7:030.

Section 6. Quality of Data Determined by Completeness and Accuracy. (1) The board shall determine a service's compliance with data collection requirements by the quality of data submitted.

(2) The quality of a service's data shall be determined by the completeness and the accuracy of the submitted data using incident validation scores.

(3) A service shall submit data that meets both components of compliance. [

~~(4) The board shall determine data completeness by comparing a service's number of submitted records with the number of the service's submitted records that contain fully incomplete or partially incomplete fields.~~

~~(5) The accuracy of data shall be determined by comparing the total number of fields in a service's submitted records with the total number of a service's fields completed correctly.]~~

~~(4) [(6)]~~ The board shall impose on a service a plan of correction pursuant to KRS 311A.060 and 202 KAR 7:501 if a service's rate of accuracy, completeness, or both falls below ninety (90) percent for three (3) consecutive months. [

~~(7) The eligibility of a service to receive block grant funds pursuant to 202 KAR 7:520 shall be dependent on compliance with the data collection requirements in this administrative regulation.]~~

~~(5) [(8)]~~ Failure to comply with a plan of correction shall subject a service to disciplinary action pursuant to KRS 311A.060.

~~(6) [(9)]~~ The board staff shall report to the Data Management Committee a determination of incomplete or inaccurate data submission that results in a plan of correction.

Section 7. Run Reports. (1) Each ambulance service shall provide a copy of the completed run report, or its electronic equivalent, to the receiving medical facility prior to departure.

(2) A service that cannot leave a copy of the completed run report, or its electronic equivalent, with the receiving medical facility prior to departure shall leave a continuation of care form that contains at least the following data elements for the patient:

- (a) First name;
- (b) Last Name;
- (c) Date of birth;
- (d) Complaint;
- (e) Duration of complaint;
- (f) Time units of duration of complaint;
- (g) Provider's primary impression;
- (h) Current medications;
- (i) Medical/surgical history;
- (j) Medication allergies;
- (k) SBP (Systolic Blood Pressure);
- (l) DBP (Diastolic Blood Pressure);
- (m) Heart rate;
- (n) Respiratory rate;
- (o) Date/time medication administered;
- (p) Medication given;
- (q) Condition of patient at destination;
- (r) Unit notified by dispatch date/time;
- (s) EMS agency name; and
- (t) EMS provider name.

(3) If a service provides the receiving hospital or other healthcare facility with a continuation

of care form that meets the requirements of subsection (2) of this section, the service shall have twenty-four (24) hours to provide the full patient care report.

(4) The twenty-four (24) hour timeframe for delivery of the full patient care report shall not apply to situations involving mass disaster, mass casualty, or other documented emergency of similar scope.

Section 8. Data Use and Confidentiality. (1) Unless otherwise required by law, the board shall not release information of a confidential or private nature or any information protected by local, state, or federal non-disclosure laws.

(2) The board may release information of a statistical nature that does not reveal or contain personal information.

(3) The board may share information with research, state, and other organizations that have a shared interest in the promotion of EMS or patient care.

(4) Unless otherwise required by law, the board shall not release information for purely commercial uses.

Section 9. Incorporation by Reference. (1) “National Highway Traffic Safety Administration, Office of Emergency Medical Services, NEMSIS Data Dictionary, NHTSA v3.5.0, EMS Data Standard”, 2019~~“US Department of Transportation National Highway Traffic Safety Administration (NHTSA) Uniform Pre-Hospital Emergency Medical Services (EMS) Dataset” 2005, www.nemsis.org/theProject/historyofNemsis.html]~~, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Emergency Medical Services, 2464 Fortune Drive, Suite 195, Lexington, Kentucky 40509. ~~[Kentucky Community and Technical College System Office, 300 North Main Street, Versailles, Kentucky 40383]~~, Monday through Friday, 8:30 a.m. to 4:30 p.m.

(3) This material may also be obtained at <https://nemsis.org/what-is-nemsis/history-of-nemsis/>.

PHILIP DIETZ, Chairman

APPROVED BY AGENCY: April 8, 2021

FIELD WITH LRC: April 14, 2021 at 3:54 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 28, 2021 at 1:00 p.m. Eastern Standard Time at the Kentucky Board of Emergency Medical Services, 2464 Fortune Drive, Suite 195, Lexington, Kentucky 40509. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Chuck O’Neal, Deputy Executive Director of Administration, Kentucky Board of Emergency Medical Services, 2464 Fortune Drive, Suite 195, Lexington, Kentucky 40509, phone (859) 256-3587, email chuck.oneal@kctcs.edu.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Chuck O'Neal

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes standards and criteria for EMS data collection, submission, and compliance.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish standards and criteria for EMS data collection, submission, and compliance as authorized by KRS 311A.190.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 311A.190 authorizes the board to promulgate administrative regulations concerning EMS information that ambulance services shall furnish to the board and authorizes the board to require collection and submission of EMS data that will allow for analysis of the state's needs for provision of EMS and that will allow the state to participate in the National Emergency Medical Services Information System (NEMSIS), a multi-partnered project that is funded by the National Highway Traffic Safety Administration, the Health Resources and Services Administration, the Centers for Disease Control and Prevention, the Federal Emergency Management Administration, and HRSA's Office of Rural Health Policy. This administrative regulation establishes standards and criteria for data collection, submission, and compliance.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation currently assists, and will assist, in the effective administrative of KRS 311A.190 by establishing standards and criteria for EMS data collection, submission, and compliance.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment modifies and clarifies existing reporting requirements, establishes procedures for modifying the state data standard, and removes unnecessary requirements.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to update Kentucky EMS data reporting to be consistent with national requirements.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 311A.190 authorizes the board to promulgate administrative regulations concerning EMS information that ambulance services shall furnish to the board and authorizes the board to require collection and submission of EMS data that will allow for analysis of the state's needs for provision of EMS and that will allow the state to participate in the National Emergency Medical Services Information System (NEMSIS). The amendment conforms to KRS 311A.190 by establishing standards and criteria for EMS data collection, submission, and compliance.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in the effective administrative of KRS 311A.190 by establishing standards and criteria for EMS data collection, submission, and compliance.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All Kentucky EMS agencies will be affected by this administrative regulation.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: To comply with this amendment, all EMS agencies must satisfy the requirements and follow the data reporting proce-

dures set forth in this administrative regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): This amendment imposes no additional costs on EMS agencies.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): All Kentucky EMS agencies and personnel will benefit from up-to-date data reporting requirements and the establishment of procedures to modify the state data standard.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation: There will be no cost to the administrative body to implement this administrative regulation.

(a) Initially: There will be no cost to the administrative body to implement this administrative regulation.

(b) On a continuing basis: There will be no cost to the administrative body to implement this administrative regulation.

(6) What is the source of funding to be used for the implementation and enforcement of this administrative regulation: No funding source is necessary to implement and enforce this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: An increase in fees or funding will not be necessary to implement this amendment.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish any fees, nor does it directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? Tiering is not applied to this administrative regulation because this amendment applies to all Kentucky EMS agencies.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The administrative regulation will impact all Kentucky EMS agencies.

2. Identify each state or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 311A.190 authorizes the board to promulgate administrative regulations concerning EMS information that ambulance services shall furnish to the board and authorizes the board to require collection and submission of EMS data that will allow for analysis of the state's needs for provision of EMS and that will allow the state to participate in the National Emergency Medical Services Information System (NEMSIS), a multi-partnered project that is funded by the National Highway Traffic Safety Administration, the Health Resources and Services Administration, the Centers for Disease Control and Prevention, the Federal Emergency Management Administration, and HRSA's Office of Rural Health Policy. This administrative regulation establishes standards and criteria for data collection, submission, and compliance.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will generate no revenue for the first year.

(b) How much revenue will this administrative regulation generate for the state or local gov-

ernment (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will generate no revenue for subsequent years.

(c) How much will it cost to administer this program for the first year? This administrative regulation will not impose any costs on state or local government.

(d) How much will it cost to administer this program for subsequent years? This administrative regulation will not impose any costs on state or local government.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): This administrative regulation will not generate revenue.

Expenditures (+/-): This administrative regulation will not impose any costs.

Other Explanation: