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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Triptaa Surve
Department of Health and Social Services

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: October 2, 2018

RE: Filed Permanent Regulations: Department of Health and Social Services

Department of Health and Social Services regulations re: trauma centers and the trauma registry (7 AAC 26.715 - 7 AAC 26.745; 7 AAC 26.999)

Attorney General File:	2017200762
Regulation Filed:	10/2/2018
Effective Date:	11/1/2018
Print:	228, January 2019

cc with enclosures: Linda Miller, Department of Law
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO REGULATIONS
OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES

The attached 15 pages of regulations, dealing with the Trauma Center Designations- Emergency Medical Services, Trauma Centers, Trauma Registry, Trauma System Plan; Definitions, are adopted and certified to be a correct copy of the regulation changes that the Department of Health and Social Services adopts under the authority of AS 18.08.010; AS 18.08.080; AS 18.08.082; AS 18.08.084; AS 47.05.012., and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering public comments, the Department of Health and Social Services paid special attention to the cost to private persons of the regulatory action being taken.


The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor as provided in AS 44.62.180.

Date: 9-26-18


Jon Sherwood
Deputy Commissioner
Department of Health & Social Services

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that¹ on October 2,
2018, at 150p.m., I filed the attached regulations according to the provisions of AS 44.62.040 -
44.62.120.


Lieutenant Governor

Effective: November 1, 2018.

Register: 228 January, 2019.

Register 228, January 2019 HEALTH AND SOCIAL SERVICES

7 AAC 26.715(c) is amended to read:

(c) A certificate as a trauma center will be issued by the department

(1) based on community, regional, and statewide needs, including the optimal number of different levels of trauma centers throughout the state according to population, geography, and other factors related to optimal care and appropriate transfer of trauma patients; and

(2) if the applicant meets the requirements of 7 AAC 26.720. (Eff. 4/7/96,

Register 138; am 11 / 1 / 2018, Register 228)

Authority: AS 18.08.010 AS 18.08.082 AS 18.08.084
AS 18.08.080

7 AAC 26.720 is amended to read:

7 AAC 26.720. Qualifications for certification. (a) An applicant [ORGANIZATION APPLYING] for certification as a level I trauma center or specialty trauma referral center must

(1) provide to the department evidence that the trauma center [ORGANIZATION] has received a certificate of verification as a level I trauma center from the Committee on Trauma, American College of Surgeons; [AND]

(2) participate in the statewide trauma registry administered by the department and provide data to the department as required under 7 AAC 26.745; and

(3) be designated by the department based on 7 AAC 26.715.

(b) An applicant for certification as a level II trauma center or regional trauma center must

Register 228, January 2019 HEALTH AND SOCIAL SERVICES

(1) provide to the department evidence that the trauma center [ORGANIZATION] has received a certificate of verification as a level II trauma center from the Committee on Trauma, American College of Surgeons; [AND]

(2) participate in the statewide trauma registry administered by the department and provide data to the department as required under 7 AAC 26.745; and

(3) be designated by the department based on 7 AAC 26.715.

(c) An applicant for certification as a level III trauma center or area trauma center must

(1) provide to the department evidence that the trauma center [ORGANIZATION] has received a certificate of verification as a level III trauma center by the Committee on Trauma, American College of Surgeons; [AND]

(2) participate in the statewide trauma registry administered by the department and provide data to the department as required under 7 AAC 26.745; and

(3) be designated by the department based on 7 AAC 26.715.

(d) An applicant for certification as a level IV trauma center or local trauma stabilization center must

(1) provide to the department evidence that the trauma center [ORGANIZATION] has received verification that the trauma center meets the criteria listed for level IV trauma centers by the state trauma system review committee under AS 18.23.070(5)(A), contained in Level IV/V Trauma Center Applicants, Essential or Desirable Resources/Services Available, revised as of October 12, 2017 and adopted by reference [COMMITTEE ON TRAUMA, AMERICAN COLLEGE OF SURGEONS, IN RESOURCES FOR OPTIMAL CARE OF THE INJURED PATIENT: 1993, CHAPTER 6,

Register 228, January 2019 HEALTH AND SOCIAL SERVICES

HOSPITAL CRITERIA; RESOURCES FOR OPTIMAL CARE OF THE INJURED PATIENT:
1993, CHAPTER 6, HOSPITAL CRITERIA, AS AMENDED FROM TIME TO TIME, IS
ADOPTED BY REFERENCE];

(2) agree for the department to conduct a site visit to verify that relevant criteria
have been met, if the department notifies the trauma center [ORGANIZATION] that a site visit
is necessary; [AND]

(3) participate in the statewide trauma registry administered by the department
and provide data as required under 7 AAC 26.745; and

(4) be designated by the department based on 7 AAC 26.715 [, IF THE
CENTER IS AN ACUTE CARE HOSPITAL].

(e) An applicant for certification as a level I or II trauma center with pediatric
commitment shall

(1) provide evidence to the department that the trauma center
[ORGANIZATION] has received a certificate of verification for pediatric trauma care from the
Committee on Trauma, American College of Surgeons;

(2) participate in the statewide trauma registry administered by the
department and provide data to the department as required under 7 AAC 26.745; and

(3) be designated by the department based on 7 AAC 26.715.

7 AAC 26.720 is amended by adding a new subsection to read:

(f) An applicant for certification as a level V trauma center or local trauma stabilization
clinic must

Register 228, January 2019 HEALTH AND SOCIAL SERVICES

(1) provide evidence to the department that the clinic has received verification that the clinic has met the criteria listed for level V trauma centers by the state trauma system review committee under AS 18.23.070(5)(A), contained in *Level IV/V Trauma Center Applicants, Essential or Desirable Resources/Services Available*, adopted by reference in (d) of this section;

(2) agree for the department to conduct a site visit to verify that relevant criteria have been met if the department notifies the clinic that a site visit is necessary; and

(3) be designated by the department based on 7 AAC 26.715. (Eff. 4/7/96, Register 138; am 11/8/98, Register 148; am 11 / 1 / 2018, Register 228)

Authority:	AS 18.08.010	AS 18.08.082	<u>AS 18.23.070</u>
	AS 18.08.080	AS 18.08.084	[AS 47.05.012]

Editor's note: **The Level IV/V Trauma Center Applicants, Essential or Desirable Resources/Services Available, adopted by reference** [INFORMATION ABOUT THE CRITERIA USED BY THE COMMITTEE ON TRAUMA, AMERICAN COLLEGE OF SURGEONS, REFERRED TO] in 7 AAC 26.720, may be obtained from the **Rural and Community Health Systems** [AND EMERGENCY MEDICAL SERVICES] Section, Division of Public Health, Department of Health and Social Services, **3601 C Street, Suite 424, Anchorage AK 99503** [P.O. BOX 110616, JUNEAU, ALASKA 99811-0616. RESOURCES FOR OPTIMAL CARE OF THE INJURED PATIENT: 1993 MAY BE OBTAINED FROM THE AMERICAN COLLEGE OF SURGEONS, 633 NORTH SAINT CLAIR STREET, CHICAGO, ILLINOIS 60611-3211. RESOURCES FOR OPTIMAL CARE OF THE INJURED PATIENT:

Register 228, January 2019 HEALTH AND SOCIAL SERVICES

1993 IS AVAILABLE FOR INSPECTION AT THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, DIVISION OF PUBLIC HEALTH, COMMUNITY HEALTH AND EMERGENCY MEDICAL SERVICES SECTION, 410 WILLOUGHBY AVENUE, ROOM 109, JUNEAU, ALASKA 99811-0616].

7 AAC 26.730 is amended to read:

7 AAC 26.730. Recertification. (a) To renew a certification as a level I, level II, or level III trauma center, an applicant must

(1) provide to the department evidence of reverification by the Committee on Trauma, American College of Surgeons;

(2) meet applicable requirements under 7 AAC 26.720; [AND]

(3) complete and submit an application on a form provided by the department;

and

(4) be designated by the department based on 7 AAC 26.715.

(b) To renew a certification as a level I or level II trauma center with a pediatric commitment, an applicant must

(1) provide to the department evidence of reverification by the Committee on Trauma, American College of Surgeons;

(2) meet applicable requirements of 7 AAC 26.720; [AND]

(3) complete and submit an application on a form provided by the department;

and

(4) be designated by the department based on 7 AAC 26.715.

Register 228, January 2019 HEALTH AND SOCIAL SERVICES

(c) To renew a certification as a level IV trauma center, an [THE] applicant must

(1) complete and submit an application on a form provided by the department;

(2) provide to the department evidence that the trauma center received

reverification that the trauma center [APPLICANT] continues to meet the criteria listed for

level IV trauma centers by the state trauma system review committee under

AS 18.23.070(5)(A), contained in Level IV/V Trauma Center Applicants, Essential or

Desirable Resources/Services Available, adopted by reference in 7 AAC 26.720;

[COMMITTEE ON TRAUMA, AMERICAN COLLEGE OF SURGEONS, IN RESOURCES

FOR OPTIMAL CARE OF THE INJURED PATIENT: 1993, CHAPTER 6, HOSPITAL

CRITERIA; RESOURCES FOR OPTIMAL CARE OF THE INJURED PATIENT: 1993,

CHAPTER 6, HOSPITAL CRITERIA, AS AMENDED FROM TIME TO TIME, IS ADOPTED

BY REFERENCE; AND]

(3) agree for the department to conduct a site visit to verify that relevant criteria

have been met, if the department notifies the trauma center [ORGANIZATION] that a site visit

is necessary; and

(4) be designated by the department based on 7 AAC 26.715.

(d) A recertification is valid for three years, and is subject to renewal under (a), (b), [OR]

(c), or (e) of this section.

7 AAC 26.730 is amended by adding a new subsection to read:

(e) To renew a certification as a level V trauma center, the applicant must

(1) complete and submit an application on a form provided by the department;

Register ~~228~~, January 2019 HEALTH AND SOCIAL SERVICES

(2) provide to the department evidence that that the clinic received reverification that the clinic continues to meet the criteria listed for level V trauma centers by the state trauma system review committee under AS 18.23.070(5)(A), contained in *Level IV/V Trauma Center Applicants, Essential or Desirable Resources/Services Available*, adopted by reference in 7 AAC 26.720;

(3) agree for the department to conduct a site visit to verify that the clinic has met level V criteria, if the department notifies the clinic that a site visit is necessary; and

(4) be designated by the department based on 7 AAC 26.715. (Eff. 4/7/96, Register 138; am 11/8/98, Register 148; am 11 / 1 / 2018, Register 228)

Authority:	AS 18.08.010	AS 18.08.082	<u>AS 18.23.070</u>
	AS 18.08.080	AS 18.08.084	[AS 47.05.012]

Editor's note: *Level IV/V Trauma Center Applicants, Essential or Desirable Resources/Services Available*, adopted by reference in 7 AAC 26.720, may be obtained from the Rural and Community Health Systems Section, Division of Public Health, Department of Health and Social Services, 3601 C Street, Suite 424, Anchorage, Alaska 99503

[RESOURCES FOR OPTIMAL CARE OF THE INJURED PATIENT: 1993 MAY BE OBTAINED FROM THE AMERICAN COLLEGE OF SURGEONS, 633 NORTH SAINT CLAIR STREET, CHICAGO, ILLINOIS 60611-3211. RESOURCES FOR OPTIMAL CARE OF THE INJURED PATIENT: 1993 IS AVAILABLE FOR INSPECTION AT THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, DIVISION OF PUBLIC HEALTH, COMMUNITY HEALTH AND EMERGENCY MEDICAL SERVICES SECTION, 410

Register 228, January 2019 HEALTH AND SOCIAL SERVICES

WILLOUGHBY AVENUE, ROOM 109, JUNEAU, ALASKA 99811-0616].

7 AAC 26.740(3) is amended to read:

(3) failure to maintain appropriate staffing or equipment, or otherwise failing to continue meeting the criteria listed, if applicable, in the Committee on Trauma, American College of Surgeons' Resources for Optimal Care of the Injured Patient, 2014 [: 1993, CHAPTERS 6 AND 11]; *Resources for Optimal Care of the Injured Patient, 2014* [: 1993, CHAPTERS 6 AND 11], as amended from time to time, is adopted by reference; or (Eff. 4/7/96, Register 138; am 11/8/98, Register 148; am 11 / 1 / 2018, Register 228)

Authority: AS 18.08.010 AS 18.08.082 AS 47.05.012
AS 18.08.080 AS 18.08.084

Editor's note: *Resources for Optimal Care of the Injured Patient, adopted by reference in 7 AAC 26.740*, [: 1993] may be obtained from the American College of Surgeons, 633 North Saint Clair Street, Chicago, Illinois 60611-3211. *Resources for Optimal Care of the Injured Patient* [: 1993] is available for inspection at the Department of Health and Social Services, Division of Public Health, Rural and Community Health Systems [EMERGENCY MEDICAL SERVICES] Section, 3601 C Street, Suite 424, Anchorage, AK 99503 [410 WILLOUGHBY AVENUE, ROOM 109, JUNEAU, ALASKA 99811-0616].

7 AAC 26.745 is amended to read:

7 AAC 26.745. Trauma registry. (a) The department will establish a trauma system

review committee in accordance with **AS 18.23.070(5)(A)** [AS 18.23.070(5)(C)].

(b) The trauma system review committee shall keep trauma registry data confidential in accordance with AS 18.23.030, except that reports on

(1) trauma patients admitted to the hospital, declared dead in the emergency department, or transferred to another acute care hospital for treatment will be provided to that hospital; these reports include a patient log, a trauma service summary, a quality assurance summary, and a survival probability summary;

(2) patients treated by a state certified emergency medical service will be provided to that service, including a summary of activity, a quality assessment summary, a quality assurance summary, and a documentation compliance summary; and

(3) **patient care reporting** [TRAUMA REGISTRY] data, not including patient identifiers, physician identifiers, or hospital identifiers, may be provided to epidemiologists, health planners, medical researchers, or other interested persons to study causes, severity, demographics and outcomes of injuries, or for other purposes of studying the epidemiology of injuries or emergency medical services and trauma system issues.

(c) An acute care hospital in this state certified **under 7 AAC 26.710 - 7 AAC 26.745** as a level I, level II, level III, or level IV trauma center **or as a level I or level II trauma center with a pediatric commitment** [UNDER 7 AAC 26.710 - 7 AAC 26.745] must participate in the statewide trauma registry administered by the department. A hospital not certified as a trauma center under 7 AAC 26.710 - 7 AAC 26.745 may participate in the statewide trauma registry administered by the department. A hospital that participates in the statewide trauma registry shall make available to the department abstracts in the form prescribed by the department of the

Register ~~224~~, January 2019 HEALTH AND SOCIAL SERVICES

medical records of all trauma patients who were admitted to the hospital, declared dead in the emergency department, or transferred to another hospital for treatment.

(d) The department may [WILL, IN ITS DISCRETION,] delegate the responsibility for collecting data under this section to a hospital, other public agencies, or to private persons or agencies, if the person or agency agrees to maintain confidentiality of the data in accordance with 7 AAC 26.790(b).

(e) A trauma center certified under 7 AAC 26.710 - 7 AAC 26.745 must provide trauma registry data to the department at least quarterly of each year on March 31, June 30, September 30, and December 31 of that year. Data on all trauma patients discharged between January 1 and March 31 must be submitted to the department by June 30. Data on all trauma patients discharged between April 1 and June 30 must be submitted to the department by September 30. Data on all trauma patients discharged between July 1 and September 30 must be submitted to the department by December 31. Data on all trauma patients discharged between October 1 and December 31 must be submitted to the department by March 31 of the following year.

(f) A hospital not certified as a trauma center under 7 AAC 26.710 - 7 AAC 26.745 may provide trauma registry data to the department at least semi-annually each year on June 30 and December 31. Data on all trauma patients discharged between July 1 and December 31 may be submitted to the department by June 30 of the following year. Data on all trauma patients discharged between January 1 and June 30 may be submitted to the department by December 31 of the same year.

(g) The department will provide reports for quality review of trauma care under (b)(1) of this section to each acute care hospital or state certified emergency medical service within 30

Register 228, January 2019 HEALTH AND SOCIAL SERVICES

days following the receipt of trauma registry data from that hospital or state certified emergency medical service.

7 AAC 26.745 is amended by adding a new subsection to read:

(h) A clinic in this state certified under 7 AAC 26.710 - 7 AAC 26.745 as a level V trauma center shall make available to the department clinic logs in the form prescribed by the department of all trauma patients who were transferred from the clinic to a hospital for treatment or declared dead in the clinic. (Eff. 4/7/96, Register 138; am 3/31/2011, Register 197; am 11/1/2018, Register 228)

Authority: AS 18.08.015 AS 18.08.080 **AS 18.23.070**

7 AAC 26.999(55) is repealed and readopted to read:

(55) "reverification" means the

(A) process used by the American College of Surgeons' Committee on Trauma to re-evaluate the trauma care capabilities and performance of a center previously verified as meeting the criteria of a level I, level II, or level III trauma center using the current guidelines set out in *Resources for Optimal Care of the Injured Patient*, adopted by reference in 7 AAC 26.740; or

(B) process used by a physician and nurse from the state trauma system review committee under AS 18.23.070(5)(A) with expertise in trauma care, and additional licensed physicians or nurses with that expertise as needed, to re-evaluate the trauma care capabilities and performance of a hospital or clinic previously verified as

Register 228, January 2019 HEALTH AND SOCIAL SERVICES

meeting the criteria of a level IV or level V trauma center using the current guidelines set out in *Level IV/V Trauma Center Applicants, Essential or Desirable Resources/Services Available*, adopted by reference in 7 AAC 26.720;

7 AAC 26.999(57) is amended to read:

(57) *Resources for Optimal Care of the Injured Patient* **means** [: 1993 IS] a publication of the Committee on Trauma, American College of Surgeons, **and is adopted by reference in 7 AAC 26.740** [THAT INCLUDES CRITERIA FOR FOUR DIFFERENT LEVELS OF TRAUMA CENTERS];

7 AAC 26.999(64) is amended to read:

(64) "trauma center" means an acute care hospital, clinic, or other entity that has met minimum standards for staffing, equipment, and organizational commitment to manage the care and treatment of traumatic injury victims, and is certified by the department as a level I, level II, level III, [OR] level IV, **or level V** trauma center under 7 AAC 26.720 or recertified under 7 AAC 26.730;

7 AAC 26.999(65) is amended to read:

(65) "trauma patient" means a victim of an external cause of injury that results in major or minor tissue damage or destruction caused by intentional or unintentional exposure to thermal, mechanical, electrical, or chemical energy, or by the absence of heat or oxygen (International Classification of Diseases, **ICD-10** [ICD-9] codes [800 - 959]) or other categories

Register 228, January 2019 HEALTH AND SOCIAL SERVICES

of injuries as defined by the department;

7 AAC 26.999(69) is amended to read:

(69) "verification" means the

(A) process used by the Committee on Trauma, American College of Surgeons, to assess the trauma care capabilities and performance of a **trauma center** [HOSPITAL] as a **level I, level II, or level III** trauma center; or

(B) process used by a physician and nurse from the state trauma system review committee under AS 18.23.070(5)(A) with expertise in trauma care, and additional licensed physicians or nurses with that expertise as needed, to evaluate the trauma care capabilities and performance of a hospital or clinic as meeting the criteria of a level IV or level V trauma center using the current guidelines set out in *Level IV/V Trauma Center Applicants, Essential or Desirable Resources/Services Available*, adopted by reference in 7 AAC 26.720;

7 AAC 26.999 is amended by adding new paragraphs to read:

(88) "area trauma center" means a health care facility that is designated by the department as having met the essential standards for area trauma hospitals as specified in the Committee on Trauma Level III Trauma Center Designation Criteria, located in the American College of Surgeons' *Resources for Optimal Care of the Injured Patient*, adopted by reference in 7 AAC 26.740, unless a specific exception is granted by the department;

(89) "local trauma stabilization center" means a health care facility that is

designated by the department as having met the essential standards for area trauma hospitals as specified in the department's level IV trauma center designation criteria, contained in *Level IV/V Trauma Center Applicants, Essential or Desirable Resources/Services Available*, adopted by reference in 7 AAC 26.720;

(90) "local trauma stabilization clinic" means a clinic that

(A) provides advanced trauma life support before a patient is transferred to a higher level of care; and

(B) is designated by the department as having met the essential standards for Level V trauma centers as specified in the department's level V trauma center designation criteria, contained in *Level IV/V Trauma Center Applicants, Essential or Desirable Resources/Services Available*, adopted by reference in 7 AAC 26.720;

(91) "regional trauma center" means a health care facility that is designated by the department as having met the essential standards for area trauma hospitals as specified in the Committee on Trauma Level II Trauma Center Designation Criteria, located in the American College of Surgeons' *Resources for Optimal Care of the Injured Patient*, adopted by reference in 7 AAC 26.740;

(92) "specialty trauma referral center" means a health care facility that is designated by the department as having met the essential standards for area trauma hospitals as specified in the Committee on Trauma Level I Trauma Center Designation Criteria, located in the American College of Surgeons' *Resources for Optimal Care of the Injured Patient*, adopted by reference in 7 AAC 26.740. (Eff. 4/7/96, Register 138; am 5/22/96, Register 138; am 3/11/98, Register 145; am 7/4/99, Register 151; am 6/23/2001, Register 158; am 8/16/2002, Register 163;

Register ~~228~~, January 2019 HEALTH AND SOCIAL SERVICES

am 12/26/2014, Register 212; am 11 / 1 / 2018, Register ~~228~~)

Authority: AS 18.08.010 AS 18.08.082 AS 18.08.084
AS 18.08.080

Editor's note: Before Register 138, July 1996, the history of 7 AAC 26.999 was contained in 7 AAC 26.900. The history line for 7 AAC 26.999 does not reflect the prior history.

The publications listed in 7 AAC 26.999 are available [FOR A FEE] from the [SECTION OF COMMUNITY HEALTH AND EMERGENCY MEDICAL SERVICES, DIVISION OF PUBLIC HEALTH,] Department of Health and Social Services, Division of Public Health, Rural and Community Health Systems Section, 3601 C Street, Suite 424, Anchorage, AK 99503 [P.O. BOX 110616, JUNEAU, ALASKA, 99811-0616, OR MAY BE VIEWED AT THAT OFFICE].

MEMORANDUM

State of Alaska Department of Law


To: The Honorable Byron Mallott
Lieutenant Governor

Date: October 2, 2018

File No.: 2017200762

Thru:

Tel. No.: 465-3600

From: Steven C. Weaver 
Senior Assistant Attorney General
and Assistant Regulations Attorney
Legislation and Regulations Section

Re: Department of Health and Social
Services regulations re: trauma
centers and the trauma registry
(7 AAC 26.715 - 7 AAC 26.745;
7 AAC 26.999)

The Department of Law has reviewed the attached regulations of the Department of Health and Social Services against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. I have reviewed this project under a specific delegation dated October 1, 2018 from the Regulations Attorney. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Department of Health and Social Services after the close of the public comment period. The regulations concern certification as trauma centers and participation in the statewide trauma care registry.

The February 4, 2018 public notice and the September 26, 2018 adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

SCW

cc: Hon. Valerie "Nurr'araaluk" Davidson, Commissioner
Department of Health and Social Services

Triptaa Surve, Regulations Contact
Department of Health and Social Services

Jon Sherwood, Deputy Commissioner
Department of Health and Social Services

Julie A. Rabeau
Division of Public Health
Department of Health and Social Services

Stacie L. Kraly, Chief Assistant Attorney General
Human Services Section

Kelly E. Henriksen, Senior Assistant Attorney General
Human Services Section

MEMORANDUM

State of Alaska Department of Law

TO: Hon. Byron Mallott
Lieutenant Governor

DATE: October 1, 2018

FILE NO.: 2017200762

TELEPHONE NO.: (907) 465-3600

FROM: Susan R. Pollard *SRP*
Chief Assistant Attorney General
and Regulations Attorney
Legislation/Regulations Section

SUBJECT: Specific delegation of authority
regarding regulations review on
Department of Health and Social
Services regulations re: trauma
centers and the trauma registry
(7 AAC 26.715 - 7 AAC 26.745;
7 AAC 26.999)

By this memorandum, I am delegating my authority as Regulations Attorney under AS 44.62 to Assistant Attorney General Steven C. Weaver for the above-referenced regulations project. Under this delegation of authority, Steven Weaver has my full authority under AS 44.62 to conduct the legal review under AS 44.62 and take necessary actions on this regulations project.

If you have questions, please let me know.

SCW

cc: Scott C. Meriwether, AAC Coordinator
Office of the Lieutenant Governor

April Simpson, Notary Administrator
Office of the Lieutenant Governor

Steven C. Weaver
Sr. Assistant Attorney General and
Assistant Regulations Attorney
Legislation/Regulations Section



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of
Health and Social Services

OFFICE OF THE COMMISSIONER

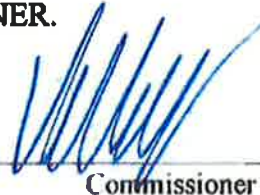
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**DELEGATION OF AUTHORITY
FOR ADOPTING REGULATIONS**

UNDER AS 44.17.010, THE AUTHORITY AND RESPONSIBILITY FOR ADOPTING
REGULATIONS OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES UNDER
THE ALASKA ADMINISTRATIVE PROCEDURE ACT ARE HEREBY DELEGATED
TO JON SHERWOOD, DEPUTY COMMISSIONER.

SIGNED:



Commissioner

VALERIE DAVIDSON
(Printed name)

SIGNED AND SWORN TO before me this 31st day of August, 2015.

[NOTARY SEAL]




Notary Public in and for the
State of Alaska
My commission expires: w/office

Weaver, Steven C (LAW)

From: Tyler, David L (DPS)
Sent: Thursday, September 27, 2018 1:32 PM
To: Rabeau, Julie A (HSS)
Cc: Butler, Jay C (HSS); Surve, Triptaa V (HSS)
Subject: Re: TIME SENSITIVE***Approval Request. NEW AdoptionOrder.2017200762.

I am away at the annual fire conference this week. A bit more advance notice would have been great.

I read the document this morning and was able to contact our Deputy Commissioner. I told him this would have no effect on DPS. He authorized me to pass on DPS's approval.

Thank you.

On Sep 25, 2018, at 10:08 AM, Rabeau, Julie A (HSS) <julie.rabeau@alaska.gov> wrote:

Good morning, I am writing to request your review and approval for the NEW Adoption Order for the proposed regulation changes dealing with the Trauma Center Designations- *Emergency Medical Services; Trauma Centers, Trauma Registry, Trauma System Plan* (7 AAC 26.710-.745, .751, .999; Law File Number 2017200762). Per Mr. Weaver's request, an electronic mail confirmation will suffice.
Thank you for your prompt attention to this request.

Julie Rabeau RN EMSRN
Alaska Dept. of Health and Social Services
Section of Rural and Community Health Systems
Trauma Program Manager
Nurse Consultant II

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julie.rabeau@alaska.gov

From: Weaver, Steven C (LAW)
Sent: Tuesday, September 25, 2018 7:34 AM
To: Surve, Triptaa V (HSS) <triptaa.surve@alaska.gov>
Cc: Kraly, Stacie L (LAW) <stacie.kraly@alaska.gov>; Rabeau, Julie A (HSS) <julie.rabeau@alaska.gov>; Miller, Linda J (LAW) <linda.miller@alaska.gov>; Sherwood, Jon (HSS) <jon.sherwood@alaska.gov>
Subject: RE: ***DPH.EMS.TraumaCtrs.Registry.SystemPlan.Defs.***TIME SENSITIVE***Approval Request.NEW AdoptionOrder.2017200762.

Triptaa: For this project, a new adoption order is not the only item we need. As I stated in my previous e-mail messages, we also need documentation of concurrence from the Department of Public Safety--an electronic mail confirmation will do. The concurrence requirement is specified in statute. See AS 18.08.080(a) ("The department shall adopt, with the concurrence of the Department of Public Safety, regulations . . ."). Under AS 18.08.084(e), the concurrence requirement applies to certification as a trauma care center. I did not see an e-mail or other document in the file where the agency documents concurrence from the Department of Public Safety (DPS).

Also, FYI: The DPS concurrence requirement applies to your EMS/EMT regulations that are moving through the pipeline (Dep't of Law file no. 2017200794).

Please let me know if you have questions,

Steven C. Weaver
Senior Assistant Attorney General and Assistant Regulations Attorney
State of Alaska, Department of Law
Legislation and Regulations Section

Telephone: 907-465-3600
E-mail: steve.weaver@alaska.gov

From: Surve, Triptaa V (HSS)
Sent: Monday, September 24, 2018 6:09 PM
To: Sherwood, Jon (HSS) <jon.sherwood@alaska.gov>; Sartain, Kati M (HSS) <kati.sartain@alaska.gov>; Serezhenkov, Kristina R (HSS) <kris.serezhenkov@alaska.gov>
Cc: Rabeau, Julie A (HSS) <julie.rabeau@alaska.gov>; Miller, Linda J (LAW) <linda.miller@alaska.gov>; Weaver, Steven C (LAW) <steve.weaver@alaska.gov>
Subject: ***DPH.EMS.TraumaCtrs.Registry.SystemPlan.Defns.***TIME SENSITIVE***Approval Request.NEW AdoptionOrder.2017200762.

Jon:

Good afternoon.

I am writing to request your review and approval for the NEW Adoption Order for the proposed regulation changes dealing with the Trauma Center Designations- *Emergency Medical Services; Trauma Centers, Trauma Registry, Trauma System Plan* (7 AAC 26.710-.745, .751, .999; Law File Number 2017200762). Details:

- New Adoption Order post DOL's legal review.
 - You signed the original adoption order.
- Attached for your reference: E-mail from the Project Lead, Ms. Julie Rabeau, (DPH/DHSS/SOA) approving Senior Assistant AG Steve Weaver's 2nd re-keyed version.
- The Department of Law's (DOL) re-keyed version (*PDF*) of the adopted regulations.
 - Weaver's (Senior Assistant AG/DOL/Legislation & Regulations Section) final re-keyed version (2nd) is attached.
 - Re-named and attached as a *PDF* version.
- Please sign the new adoption order.
- Please give the new adoption order to Kati or other Administrative Assistant
 - To **deliver** to the Department of Law's Legislation & Regulations Section.

- I have cc'ed Ms. Miller (DOL).
 - **Reminder:** Need to include and deliver a copy of the re-keyed regulations draft.
 - The copy of the re-keyed version must be single-sided.

Thank you.

Triptaa.

Kati or Kristine (if signed Jon signs while in the Anchorage Office):

Good afternoon.

Please

- Print and give the new Adoption Order to Jon (DHSS Deputy Commissioner Sherwood) for his review, approval, and signature.
- After he signs it, please
 - Scan me a copy; and
 - Deliver the original adoption order and the PDF of the draft regulations (attached) to the Department of Law's Legislation & Regulations Section.
 - I have cc'ed Ms. Miller (DOL) in case you need to coordinate the delivery with her (her telephone number is 465-2120; general number 465-3600).
 - **Reminder:** Protocol for delivery of documents from DHSS to DOL/Legislation & Regulations Section in Juneau, AK.
 - *The DOL/Legislation & Regulations Section (Juneau, AK) requests that all hand delivered documents from DHSS be brought to the 4th floor instead of to the receptionist on the 6th floor. There will be a sign on the 4th floor door saying "Please ring the doorbell for the Legislation and Regulations Section." The document should be in an envelope addressed to the DOL employee who is expecting the document.*
- If Jon signs while in Anchorage, we will mail it directly to the Department of Law (Weaver/Legislation & Regulations Section).

Please contact me if you have any questions about this request.

Thank you.

Triptaa.

Triptaa Surve, MPH, JD | Project Coordinator | DHSS Regulations
Office of the Commissioner | Department of Health & Social Services | State of Alaska
triptaa.surve@alaska.gov | <http://hss.alaska.gov>

<SCW rekeyed version 2.docx>

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

I, Triptaa Surve, Project Coordinator, of the Department of Health & Social Services, being sworn, state the following:


As required by AS 44.62.190, notice of the proposed adoption of changes to the Emergency Medical Services; Trauma Centers, Trauma Registry, Trauma System Plan (7 AAC 26.710-.745, .751, .999), has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to interested persons;
- (3) furnished to appropriate state officials;
- (4) furnished to the Department of Law, along with a copy of the proposed regulation;
- (5) furnished electronically to incumbent State of Alaska legislators;
- (6) furnished to the Legislative Affairs Agency, Division of Legal and Research Services;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1);
- (8) furnished electronically, along with a copy of the proposed regulation, to the Legislative Affairs Agency, the chair of the Health & Social Services and Finance Committees of the Alaska Senate and House of Representatives, the Administrative Regulation Review Committee, and the legislative council.

As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

Date:

MMV 13, 2018 4



Triptaa Surve, Project Coordinator

Subscribed and sworn to before me at

Anchorage AK

on

4-13-18

(date)



Notary Public in and for the State of Alaska

[NOTARY SEAL]

AFFIDAVIT OF ORAL HEARING

I, Julie Rabeau, Nurse Consultant II, of Department of Health and Social Services being sworn, state the following:


On March 8, 2018 at 11:00am-2:00pm, in Room 424, 3601 C Street, Anchorage, Alaska I presided over a public hearing held under AS 44.62.210 for the purpose of taking testimony in connection with the adoption of changes to Trauma Center Designations- *Emergency Medical Services; Trauma Centers, Trauma Registry, Trauma System Plan* (7 AAC 26.710-.745, .751, .999)

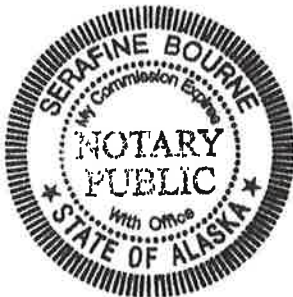
Date: 04/11/2018


Julie Rabeau, Nurse Consultant II

Subscribed and sworn to before me at Anchorage

April 11, 2018
April 11, 2018


Notary Public in and for the State of Alaska



AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Julie Rabeau, Nurse Consultant II, for the Department of Health and Social Services, being duly sworn, state the following:

In compliance with AS 44.62.215, the Department of Health and Social Services has kept a record of its use or rejection of factual or other substantive information that was submitted in writing and orally as public comment and that was relevant to the accuracy, coverage, or other aspect of the Department of Health and Social Services regulation on the Trauma Center Designations- Emergency Medical Services; Trauma Centers, Trauma Registry, Trauma System Plan (7 AAC 26.710-.745, .751, .999).

Date: 7/19/18



Julie Rabeau, Nurse Consultant II

Subscribed and sworn to before me at Anchorage, Alaska on

7/19/18
(date)



Notary Public in and for the State of Alaska



NOTICE OF PROPOSED CHANGES ON TRAUMA CENTERS, TRAUMA REGISTRY, & TRAUMA SYSTEM PLAN
IN THE REGULATIONS OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES.

BRIEF DESCRIPTION

The Department of Health & Social Services proposes to adopt regulation changes on trauma centers, the trauma registry, and a trauma system plan.

The Department of Health & Social Services proposes to adopt regulation changes in Title 7 of the Alaska Administrative Code, dealing with emergency medical services, trauma centers, the trauma registry, and a trauma system plan, including the following:

- **7 AAC 26.715. Application for certification, 7 AAC 26.720. Qualifications for certification, 7 AAC 26.730. Recertification**, is proposed to be changed as follows: Add factors including population need and the trauma system plan to determine the optimal number of trauma centers.
- **7 AAC 26.745. Trauma registry**, is proposed to be changed as follows: Add more trauma centers and submission dates of data to the trauma registry.
- **7 AAC 26.751. Trauma system plan**, a new section, is proposed to be added as follows: Develop a statewide trauma care system plan to determine the optimal number of different levels of trauma centers throughout the state based on population, geography, and other factors related to optimal care and appropriate transfer of trauma patients.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Julie Rabeau, RN, Department of Health & Social Services, Division of Public Health, Rural & Community Health Systems, 3601 C St., Attention: Julie Rabeau, RN, Suite 424, Anchorage, AK 99503. Additionally, the Department of Health & Social Services will accept comments by facsimile at (907) 269-0036 and by electronic mail at julie.rabeau@alaska.gov. The comments must be received not later than 5 p.m. on April 3, 2018.

Oral or written comments also may be submitted at a hearing to be held on March 8, 2018, at the Frontier Building, 3601 C Street, Suite 424, Anchorage, AK 99503. The hearing will be held from 11 a.m. to 2 p.m. and might be extended to accommodate those present before 1:30 p.m. who did not have an opportunity to comment. If you are unable to attend in person, but would like to comment during the oral public hearing, you can call the teleconference number 1-888-392-4560 (Toll Free) and use the code 42502#.

You may submit written questions relevant to the proposed action to Julie Rabeau, RN, at julie.rabeau@alaska.gov or at 3601 C Street, Suite 424, Anchorage, AK 99503. The questions must be received at least 10 days before the end of the public comment period. The Department of Health & Social Services will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and agency website at <http://dhss.alaska.gov/dph/Emergency/Pages/default.aspx>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, including the oral public hearing, please contact Julie Rabeau RN, julie.rabeau@alaska.gov, or (907) 334-2175 not later than February 26, 2018, to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Julie Rabeau, RN, julie.rabeau@alaska.gov, (907) 334-2175.

A copy of material proposed for adoption by reference may be viewed at the agency's office at 3601 C Street, Suite 424, Anchorage, Alaska 99503.

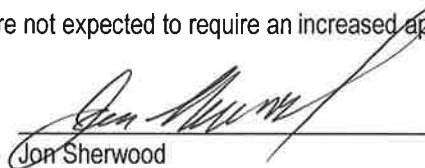
After the public comment period ends, the Department of Health & Social Services will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. **You should comment during the time allowed if your interests could be affected.**

Statutory authority: AS 18.08.010; AS 18.08.080; AS 18.08.082; AS 18.08.084; AS 47.05.012.

Statutes being implemented, interpreted, or made specific: AS 18.08.010; AS 18.08.080; AS 18.08.082; AS 18.08.084; AS 47.05.012.

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: 1-31-18


Jon Sherwood
Deputy Commissioner
Department of Health & Social Services

NOTICE OF PROPOSED CHANGES ON TRAUMA CENTERS, TRAUMA REGISTRY, & TRAUMA SYSTEM PLAN
IN THE REGULATIONS OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES.

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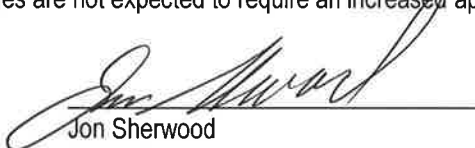
comment during the time allowed if your interests could be affected.

Statutory authority: AS 18.08.010; AS 18.08.080; AS 18.08.082; AS 18.08.084; AS 47.05.012.

Statutes being implemented, interpreted, or made specific: AS 18.08.010; AS 18.08.080; AS 18.08.082; AS 18.08.084; AS 47.05.012.

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: 1-31-14


Jon Sherwood
Deputy Commissioner
Department of Health & Social Services

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))¹

1. Adopting agency: Department of Health & Social Services
2. General subject of regulation: Emergency Medical Services; Trauma Centers, Trauma Registry, Trauma System Plan; Definitions.
3. Citation of regulation (may be grouped): 7 AAC 26.710-.745, .751, .999
4. Department of Law file number, if any: 2017200762
5. Reason for the proposed action:
☐ Compliance with federal law or action (identify): _____
☐ Compliance with new or changed state statute
☐ Compliance with federal or state court decision (identify): _____
☐ Development of program standards
☒ Other (identify): Update regulations.
6. Appropriation/Allocation: None
7. Estimated annual cost to comply with the proposed action to:
A private person: N/A
Another state agency: N/A
A municipality: N/A
8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY <u>19</u>	Subsequent Years
Operating Cost	\$ <u>0</u>	\$ <u>0</u>
Capital Cost	\$ <u>0</u>	\$ <u>0</u>
1002 Federal receipts	\$ <u>0</u>	\$ <u>0</u>
1003 General fund match	\$ <u>0</u>	\$ <u>0</u>
1004 General fund	\$ <u>0</u>	\$ <u>0</u>
1005 General fund/ program	\$ <u>0</u>	\$ <u>0</u>
Other (identify)	\$ <u>0</u>	\$ <u>0</u>

9. The name of the contact person for the regulation:

Name: Julie Rabeau, RN
Title: Trauma Program Manager

Address: 3601 C St. Suite 424 Anchorage, AK 99503.

Telephone: (907) 334-2175

E-mail address: julie.rabeau@alaska.gov

10. The origin of the proposed action:

 X Staff of state agency

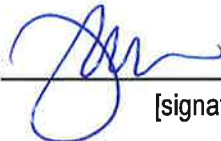
 Federal government

 General public

 Petition for regulation change

 Other (identify): _____

11.

Date: 1/23/18 Prepared by:  [signature]

Name (printed): Julie Rabeau, RN

Title (printed): Trauma Program Manager

Telephone: (907) 334-2175

270229
0001416328
\$398.42

AFFIDAVIT OF PUBLICATION

STATE OF ALASKA

THIRD JUDICIAL DISTRICT

Joleesa Stepetin

being first duly sworn on oath deposes and says that he/she is a representative of the Anchorage Daily News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

February 04, 2018

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed

Joleesa Stepetin

Subscribed and sworn to before me
this 5th day of February, 2018

Britney Thompson

Notary Public in and for
The State of Alaska.

Third Division

Anchorage, Alaska

MY COMMISSION EXPIRES

2/23/2019

Notary Public
BRITNEY L. THOMPSON
State of Alaska
My Commission Expires Feb 23, 2019

NOTICE OF PROPOSED CHANGES ON TRAUMA CENTERS, TRAUMA REGISTRY, & TRAUMA SYSTEM PLAN IN THE REGULATIONS OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES.

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Statutory authority: AS 18.08.010; AS 18.08.080; AS 18.08.082; AS 18.08.084; AS 47.05.012.

Statutes being implemented, interpreted, or made specific: AS 18.08.010; AS 18.08.080; AS 18.08.082; AS 18.08.084; AS 47.05.012.

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: January 31, 2018.

/s/ Jon Sherwood
Deputy Commissioner
Department of Health & Social Services

Published: February 4, 2018