

TITLE 7 HEALTH
CHAPTER 27 EMERGENCY MEDICAL SERVICES
PART 5 CERTIFICATION OF AIR AMBULANCE

7.27.5.1 ISSUING AGENCY: New Mexico Department of Health, Epidemiology and Response Division, Emergency Medical Systems Bureau.
[7.27.5.1 NMAC - Rp, 7.27.5.1 NMAC, 01-01-06]

7.27.5.2 SCOPE: This regulation applies to any air service within New Mexico that transports persons requiring medical care including, but not limited to: basic life support (BLS), advanced life support (ALS), critical care, or specialty care. Out-of-state services that fly into New Mexico to pick up and/or deliver medical patients shall also be certified in accordance with these rules, or through reciprocity in accordance with these rules. The United States department of defense and the New Mexico department of military affairs are exempt from this rule when conducting official military operations. Public safety agencies that routinely provide air ambulance services shall be certified.
[7.27.5.2 NMAC - Rp, 7.27.5.2 NMAC, 01-01-06]

7.27.5.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the following statutory authorities: 1) the Department of Health Act, section 9-7-6.E. NMSA 1978, which authorizes the secretary of the department to "... make and adopt such reasonable and procedural rules and rules as may be necessary to carry out the duties of the department and its divisions," and; 2) the Emergency Medical Services Act, Section 24-10B-4-H, NMSA 1978, which authorizes the department to adopt regulations for the certification of air medical transport. Administration and enforcement of these regulations is the responsibility of the emergency medical systems bureau of the epidemiology and response division, department of health.
[7.27.5.3 NMAC - Rp, 7.27.5.3 NMAC, 01-01-06]

7.27.5.4 DURATION: Permanent.
[7.27.5.4 NMAC - Rp, 7.27.5.4 NMAC, 01-01-06]

7.27.5.5 EFFECTIVE DATE: January 1, 2006, unless a later date is cited at the end of a section.
[7.27.5.5 NMAC - Rp, 7.27.5.5 NMAC, 01-01-06]

7.27.5.6 OBJECTIVE: The purpose of this document is to inform the public and air ambulance services about the requirements and standards for the certification of air ambulance services operating within New Mexico, and the process and procedures to become certified as specified below.

A. These rules provide the minimum criteria and process for the certification of both fixed and rotor wing air ambulance services that operate within the state of New Mexico, based upon the recommendations of the air medical transport advisory committee; to provide minimum standards for certified services to abide by; and, to assist in the provision of a comprehensive system of emergency medical services in the state of New Mexico.

B. These rules are designed to assist air ambulance services in preparing for, achieving, and maintaining certification as a certified air ambulance service in the state of New Mexico. Air ambulance services that have and maintain the commission on accreditation of medical transport systems (CAMTS) accreditation meet the standards for air ambulance certification in the state of New Mexico. The bureau shall certify an air ambulance service with CAMTS accreditation following review and approval of the application and inspection, if necessary, as determined by the bureau, and payment of necessary fees and approval by the bureau.
[7.27.5.6 NMAC - Rp, 7.27.5.6 NMAC, 01-01-06]

7.27.5.7 DEFINITIONS:

A. "Act (EMS Act)" means the Emergency Medical Services Act, [Sections 24-10B-1, et seq., NMSA 1978].

B. "Advanced life support air ambulance service" means an organization, certified by the bureau, to transport in an air ambulance, patient(s) who require basic life support (BLS) or advanced life support (ALS) care.

C. "Advanced life support (ALS)" means advanced pre-hospital and inter-facility care and treatment,

as authorized by regulation, which may be performed only by a person licensed by the department as an emergency medical technician - paramedic (EMT-P), or licensed by the state at a higher level, or otherwise authorized to practice ALS.

D. "Air ambulance service" means any governmental or private service that provides air transportation specifically designed to accommodate the medical needs of a person who is ill, injured or otherwise mentally or physically incapacitated and who requires in-flight medical supervision.

E. "Air ambulance certificate" means a document issued by the department as evidence that an air ambulance service meets the requirements for certification at the advanced life support, critical or specialty care level, as found in these rules.

F. "Aircraft type" means a particular make and model of helicopter or fixed wing aircraft.

G. "Aircraft operator" means the vendor and/or owner who operates and maintains the aircraft utilized by an air ambulance service.

H. "Air medical transport advisory committee (AMTAC)" means a subcommittee of the statewide EMS advisory committee as authorized by the EMS Act, Section 24-10B-7.A., NMSA 1978. The term "air medical transport advisory committee" as used throughout these rules is synonymous with "air transport advisory committee".

I. "Bureau" means the emergency medical systems bureau of the epidemiology and response division, of the department of health.

J. "Certification evaluation team" means a team appointed by the bureau for the purpose of performing an initial or subsequent inspection of air medical services seeking certification, or of those already certified.

K. "Combination service" means any service that has more than one type of aircraft, for example, fixed wing and rotor wing.

L. "Commission on the accreditation of medical transport systems (CAMTS)" means a national accrediting organization that evaluates air ambulance services based on air ambulance industry standards established by CAMTS.

M. "Critical care air ambulance service" means an organization certified by the bureau to transport patients in an air ambulance that requires critical care.

N. "Critical care" means pre-hospital or inter-facility care and treatment, respectively, that exceeds the advanced life support level of care, as authorized by rule. The critical care mission shall consist of at least one critical care provider and at least one additional provider which shall be licensed at or above the ALS level of care, and/or specifically trained in the area of care required. Additional providers may be added as necessary.

O. "Critical care provider" means the critical care primary provider shall consist of at least one registered nurse, physician assistant, nurse practitioner and/or medical physician trained in the area of critical care.

P. "Department" means the department of health.

Q. "Emergency medical services (EMS)" means the services rendered by providers in response to an individual's need for immediate medical care to prevent loss of life or aggravation of physical or psychological illness or injury.

R. "Federal aviation regulations (FAR)" means regulations promulgated by the federal aviation administration of the U.S. department of transportation, governing the operation of all aircraft within the United States.

S. "Level of service" means the highest level at which the air ambulance service is certified to function on a 24 hours a day, seven days a week basis.

T. "Medical control" means supervision, provided by or under the direction of physicians to providers by written protocol and/or direct communication.

U. "Medical direction" means guidance or supervision provided by a physician to a provider or emergency medical services system and which includes authority over and responsibility for emergency medical dispatch, direct patient care and transport of patients, arrangements for medical control and all other aspects of patient care delivered by a provider.

V. "Medical direction committee" means a committee of physicians and emergency medical technicians, appointed by the secretary of health to advise the bureau on all matters relating to medical control and medical direction.

W. "Medical director" means a physician who has the responsibility for oversight of patient care of an EMS system or EMS provider service, including providing for or ensuring the medical control of emergency

medical technicians, the development, implementation, and evaluation of medical protocols, and quality assurance activities.

X. "Physician" means a doctor of medicine or doctor of osteopathy who is licensed or otherwise authorized to practice medicine or osteopathic medicine in New Mexico.

Y. "Protocol" means a predetermined, written medical care plan and includes standing orders.

Z. "Provider" means a person who has been licensed by the appropriate agency to provide patient care at the ALS, critical or specialty care level.

AA. "Regional office" means an emergency medical services planning and development agency formally recognized and supported by the bureau.

BB. "Secretary" means the secretary of health.

CC. "Service" means a certified air ambulance service authorized to operate in the state of New Mexico under these rules.

DD. "Specialty care" means care and treatment that exceeds the advanced life support level of care, as authorized by regulation. The specialty care mission shall consist of at least one specialty care provider and at least one additional provider which shall be licensed at or above the ALS level of care, and/or specifically trained in the area of care required. Additional providers may be added as necessary.

EE. "Specialty care provider" means a caregiver appropriately trained and licensed to provide patient care as defined by the mission.

[7.27.5.7 NMAC - Rp, 7.27.5.7 NMAC, 01-01-06]

7.27.5.8 USE OF TERMS AND ADVERTISING: It shall be prohibited for any air ambulance service to advertise or perform air ambulance services, or use the title "certified air ambulance service," in New Mexico, unless it is certified under these rules.

[7.27.5.8 NMAC - Rp, 7.27.5.8 NMAC, 01-01-06]

7.27.5.9 DISCLOSURE TO THE PUBLIC: At the initiation of contact with a potential client, patient or the public, the certified air ambulance service shall disclose the current level of state of New Mexico certification and what level of service can be provided.

[7.27.5.9 NMAC - Rp, 7.27.5.9 NMAC, 01-01-06]

7.27.5.10 FULL CERTIFICATION PERIOD: The certification period for all air ambulance services shall be for a 3-year period. Once a certified air ambulance service becomes accredited by CAMTS, the certification period shall be adjusted by the bureau to correspond with the CAMTS accreditation period.

[7.27.5.10 NMAC - Rp, 7.27.5.10 NMAC, 01-01-06]

7.27.5.11 REPORTING: Certified air ambulance services shall complete a patient run report for each patient that is transported by air. The minimum data elements identified by the bureau shall be compiled and submitted to the bureau on a quarterly basis, or as determined by the bureau. Certified services shall provide as a minimum, an annual number of runs of patients picked up in New Mexico including location and patient complaint. Review of completed patient care reports may be required during initial and/or subsequent inspections.

[7.27.5.11 NMAC - Rp, 7.27.5.11 NMAC, 01-01-06]

7.27.5.12 EMERGENCY INFORMATION REQUIRED: Certified air ambulance services shall provide, during initial/renewal of certification, emergency information about the service to the bureau. This information shall be used by the bureau to provide effective communications and resource management, in the event of a statewide or localized disaster/emergency situation. The information is included in the initial/renewal application for certification of air ambulance services.

[7.27.5.12 NMAC - Rp, 7.27.5.12 NMAC, 01-01-06]

7.27.5.13 CERTIFICATION PROCESS AND PROCEDURES:

A. General: Prior to beginning air ambulance operations within the state of New Mexico, either a temporary or full air ambulance certification is required for the levels of service, as outlined below.

(1) Levels of service: the following levels of service are authorized in New Mexico:

(a) advanced air ambulance service: the air medical crew shall at all times consist of at least 2 licensed health care providers, one of which, shall be licensed at the advanced life support (ALS) level or above (minimum licensed EMT-paramedic or above);

(b) critical care air ambulance service: the critical care mission shall consist of at least one critical care provider and at least one additional provider which shall be licensed at or above the ALS level of care, and/or specifically trained in the area of care required; additional providers may be added as necessary;

(c) specialty care air ambulance service: the specialty care mission shall consist of at least one specialty care provider and at least one additional provider which shall be licensed at or above the ALS level of care, and/or specifically trained in the area of care required; additional providers may be added as necessary;

(d) generally, services certified to provide critical care are certified to perform advanced air ambulance service care; in all such cases, the minimum level of certified/licensed health care provider staffing, for each level of certification, shall be aboard the aircraft;

(e) services that provide care at the advanced, critical or specialty air ambulance level care are required to remain with the patient until someone of equal or higher training assumes care of the patient.

(2) Temporary certification: a temporary certification for a maximum period of three years may be issued by the bureau for non-CAMTS accredited services, upon successful completion of the application process, a preliminary inspection and approval by the bureau, and payment of all required fees.

(a) A preliminary inspection includes an on site visit with the air ambulance service, aircraft, and crew. The certification evaluation team (CET) will normally consist of a bureau representative, the state EMS medical director or a designated physician, state aviation officer, EMS communications manager, and additional personnel as determined by the bureau.

(b) Once a temporary certification is issued, and within the three year certification, the service shall obtain and maintain CAMTS accreditation in order to become fully certified by the bureau. All non-CAMTS accredited air ambulance services shall submit a program information file (PIF) to CAMTS and the bureau within 16 months of acquiring a temporary certification from the bureau as outlined in Subsection B of 7.27.5.13 NMAC.

(3) Full certification: after successfully completing the CAMTS accreditation process, and upon approval by the bureau, a three year air ambulance service certificate for the approved level shall be issued to the service. To be fully certified, an air ambulance service shall:

(a) comply with applicable federal, state, and local laws and rules to operate a business in New Mexico;

(b) submit a copy of CAMTS accreditation certificate;

(c) complete a service application and submit it along with the required application fee to the bureau;

(d) may be required to complete an air ambulance service inspection, as determined by the bureau.

B. Application for certification of non-CAMTS accredited services: Prior to transporting patients within the state of New Mexico, an air ambulance service:

(1) shall submit to the bureau a completed bureau approved New Mexico air ambulance application with appropriate fees;

(2) shall insure compliance with all federal and state requirements, such as proof of insurance, aircraft inspection certificates, FAA Part 135 certificate, board of pharmacy permit(s), and drug enforcement agency permits;

(3) shall complete the initial bureau inspection process; and

(4) upon successful completion, the bureau shall issue a temporary air ambulance certificate for a period of up to three years for one of the approved levels of service:

(a) by the end of the first (16) sixteen months of the temporary certification period, the service shall provide to the bureau with a copy of the initial CAMTS program information form (PIF) and a letter from CAMTS acknowledging receipt of the PIF;

(b) failure to complete the CAMTS accreditation process during the temporary certification period shall be reviewed by the bureau and may result in initiation of action to suspend the air ambulance service temporary certification; this includes, but is not limited to:

(i) failure to submit a complete PIF to the bureau or CAMTS within the first sixteen months of the temporary certification period; or

(ii) submitting an incomplete PIF; or

- (iii) failure to pay appropriate fees to the bureau; or
 - (iv) failure of a bureau inspection or CAMTS accreditation inspection;
- (5) upon receipt of proof of CAMTS accreditation and approval of the bureau, the bureau may issue a full air ambulance certification.

C. Application for certification of CAMTS accredited services: Prior to transporting patients within the state of New Mexico, an air ambulance service shall:

- (1) submit to the bureau a completed bureau approved New Mexico air ambulance application with appropriate fees; and
- (2) ensure compliance with all federal and state requirements such as proof of insurance, aircraft inspection certificates, FAA Part 135 certificate, board of pharmacy permit(s), and drug enforcement agency permits; and
- (3) submit proof of current CAMTS accreditation; services that maintain CAMTS accreditation shall notify the bureau immediately of any CAMTS accreditation status changes;
- (4) upon successful completion the bureau shall issue a full New Mexico air ambulance certification at the appropriate level of care.

D. Certification evaluation team (CET): The CET shall typically consist of the membership listed below. The bureau shall convene the membership of the CET as necessary to perform either the initial, temporary service inspections, or whenever the bureau deems necessary.

- (1) The CET membership is composed of the following individuals, as determined by the bureau:
 - (a) bureau representative - team leader;
 - (b) state EMS medical director or a designated physician;
 - (c) state aviation representative;
 - (d) EMS communications representative;
 - (e) other members as deemed necessary by the bureau.
- (2) Services shall be given advanced notice, in writing, of those personnel selected for the CET. A service which has a good faith belief that selected individual(s) on the CET may be biased or have a possible conflict of interest, may request that the bureau select a new member. In all such cases, the bureau shall make the final determination of CET membership.
- (3) Other inspections: Inspections of non-CAMTS accredited, out-of-state services shall follow the certification process, as outlined. When out-of-state travel is required of the CET, the service applying for certification shall be responsible for reimbursement of travel expenses.

E. Changing the level of service: Changing a level of service shall require the service to submit an initial application for that level of service, along with certification fees. Changing from a rotor or fixed wing service to a combination service will also require a new application and fee. Changing from a combined rotor wing and fixed wing service to a single type of aircraft service will require a new application and fee for the service(s) involved.

F. Renewal of certification and inspection: Services shall retain state certification by renewing their certification every three years, concurrent with CAMTS accreditation. This is accomplished by submitting the required renewal application, fee, and proof of current CAMTS accreditation. Normally, the certification for air ambulance services that maintain national accreditation according to the standards of the CAMTS do not require a renewal inspection by the bureau to maintain certification, but, shall meet all other requirements, including the submission of a renewal application and payment of fees. The bureau may perform an inspection of a certified air ambulance service, as determined by the bureau. The renewal application contains general air ambulance service information and is used in conjunction with the initial certification application standards when applying for renewal to update the bureau on the air ambulance service.

[7.27.5.13 NMAC - Rp, 7.27.5.13 NMAC, 01-01-06]

7.27.5.14 FEES:

A. A fee shall be assessed by the bureau for certification to operate an air ambulance in the state of New Mexico. The bureau, with the advice of the air medical transport advisory committee and the statewide EMS advisory committee, shall set the amount of the fee. Exceptions: fees shall not apply to:

- (1) an air ambulance service from another state assisting in the response to a major disaster, mass casualty incident or other emergency;
- (2) an air ambulance service transferring patients to or from New Mexico less than two times per

month.

B. Fees for upgrading the level of service will be the same fee that is required for initial application. Fees for changing from fixed wing or rotor wing to a combination service will be the same as for a new service. Fees for changing from a combination rotor wing and fixed wing service to a single type of service will be the same as a new service.

C. Fees Table:

(1) Initial certification fees for CAMTS accredited services: The \$625.00 base fee for initial certification of single aircraft type includes one aircraft or \$925.00 initial certification fee for combination service includes two aircraft. An additional \$200.00 is required for each additional assigned/operating aircraft and/or base, not to exceed \$1825.00 per service.. Additional fees may be assessed if additional travel is required to accommodate out-of-state applicants:

Type of Service	In-State Fee	Out-of-State Fee	Additional Aircraft Fee
Rotor Wing Service	\$625.00	\$1,125.00	\$200.00 per aircraft
Fixed Wing Service	\$625.00	\$1,125.00	\$200.00 per aircraft
Combination Service	\$925.00	\$1,425.00	\$200.00 per aircraft

(2) Initial Certification Fees for Non-CAMTS Accredited Services: The \$1250.00 base fee for initial certification of single aircraft type includes one aircraft or \$1850.00 initial certification fee for combination service includes two aircraft. An additional \$200.00 fee is required for each additional assigned/operating aircraft and/or base, not to exceed \$3,250.00 per service. Additional fees may be assessed if additional travel is required to accommodate out-of-state applicants.

Type of Service	In-State Fee	Out-of-State Fee	Additional Aircraft Fee
Rotor Wing Service	\$1,250.00	\$2,250.00	\$200.00 per aircraft
Fixed Wing Service	\$1,250.00	\$2,250.00	\$200.00 per aircraft
Combination Service	\$1,250.00	\$2,250.00	\$200.00 per aircraft

(3) Renewal Certification Fees: The following fees are to be submitted along with the air ambulance service renewal application whether based in-state or out-of-state:

Type of Service	Fee
Rotor Wing Service	\$500.00
Fixed Wing Service	\$500.00
Combination Service	\$500.00

(4) Changes to Air Ambulance Service After Certification:

Type of Service	In-State Fee	Out-of-State Fee
Rotor or Fixed Wing Service to Combination Service	\$625.00	\$625.00
Combination Services to Rotor or Fixed Wing Service	\$625.00	\$625.00
Adding Additional Aircraft After Certification	\$200.00 per aircraft	\$200.00 per aircraft

[7.27.5.14 NMAC - Rp, 7.27.5.14 NMAC, 01/01/06]

7.27.5.15 ENFORCEMENT:

A. Complaint/Incident Procedures: Any person may communicate a complaint or knowledge of an incident to the bureau. Complaints shall be submitted in signed written form to the bureau as soon as practical. The bureau may begin an investigation if there is sufficient cause.

(1) When a complaint is received by the bureau, written acknowledgement shall be made within 10 working days and the staff shall decide whether or not a preliminary or formal investigation of the complaint shall be initiated.

(2) If no investigation is warranted, the service or person filing the complaint will be notified, as determined by the bureau.

(3) Services being formally investigated shall receive written notification within ten (10) working days after a decision is made to begin a formal investigation, unless extenuating circumstances exist which would reasonably preclude notification.

(4) At the conclusion of the bureau's formal investigation, the bureau may report its findings to the investigated service in written form. If the bureau investigation warrants disciplinary action against a service, the service will be given a notice of contemplated action (see right to appeal and hearing in 7.27.15.D NMAC).

(5) If the bureau makes a good faith judgment that the health and/or safety of the public would be jeopardized, it may take immediate action to suspend an air ambulance service's certification to prevent a service from operating within New Mexico. The suspended service shall be afforded an expedited appeal and hearing process.

B. Investigations: Investigations shall normally be conducted by the bureau.

(1) Preliminary Investigations: When the bureau receives information that might form the basis for disciplinary action against a service, it shall begin a preliminary investigation. This is a fact finding/information gathering investigation that will attempt to determine for the bureau whether justification exists to initiate an action or to conduct a formal investigation.

(2) Formal Investigations: Formal investigations are for the purpose of obtaining additional information to allow the bureau to determine if it will initiate an action. Notice will be given to the service that is the subject of the formal investigation, unless extenuating circumstances exist which would reasonably preclude notification.

(3) Confidentiality: The bureau will take every precaution to insure that investigations are conducted in a confidential manner.

(4) Records: An official record is maintained for every New Mexico air ambulance service, certified under these rules. If the bureau begins an investigation, a separate confidential record will be created containing all investigation material. If the bureau initiates an action, all records not exempt from disclosure under the inspection of public records act, sections 14-2-1, et seq., NMSA 1978, will be placed in the service's official record. Any request for records maintained by the bureau will be processed in accordance with the inspection of public records act.

C. Grounds For Denial, Suspension, and Revocation: Air ambulance certification may be denied, suspended or revoked based on the following grounds:

(1) fraud, deceit, misrepresentation in obtaining certification, including misrepresentation during the initial or renewal certification process;

(2) failure to meet any certification/accreditation requirements including failing to acquire and/or maintain accreditation with the commission on accreditation of medical transport systems (CAMTS) as outlined in these rules;

(3) negligence in the delivery of air ambulance medical services, including, but not limited to:
(a) malpractice and/or substandard medical care or treatment; or
(b) using non-licensed personnel or personnel performing outside the standard of care/scope of practice; or

(c) failure to have operational equipment and failure to carry the required equipment, or inappropriate use of equipment during a flight; or

(d) unauthorized disclosure of medical or other confidential information;

(4) loss of federal aviation administration certification or failure to notify the bureau of such loss of certification;

(5) loss of CAMTS accreditation or failure to notify the bureau of such loss of accreditation;

(6) failure to report revocation, suspension, denial, or other adverse actions taken in any other state or jurisdiction affecting the ability to provide air ambulance services;

(7) performing air ambulance operations without being certified by the department to perform the authorized level of service, including providing service after expiration of a certification;

(8) the use of any false, fraudulent, or deceptive statement in any document connected with the operation of an air ambulance service;

(9) failure to cooperate with an investigation or to furnish the bureau with requested information;

(10) failure to report required documentation, including patient run report data;

(11) failure of a service to comply with the rotor wing response protocol or the fixed/rotor wing inter-facility transportation protocol as outlined in these rules.

D. Right to Appeal: Any service may appeal a decision by the department to deny, suspend or revoke air ambulance certification as provided below:

(1) denial of initial certification: any air ambulance service applying for certification may appeal to the department a denial of an application for certification;

(2) suspension or revocation of an existing certification: any certified air ambulance service may appeal to the department the proposed suspension or revocation of certification;

(3) denial for renewal of certification: any certified air ambulance service may appeal to the department the denial of a renewal application for certification.

E. Notice of Contemplated Action: When the bureau contemplates taking any action specified in Subsection C of 7.27.5.15 NMAC, it shall serve upon the applicant or certified service a written notice containing a statement of the grounds or subject upon which the proposed action is based, and rule(s) violated.

F. Right to Hearing: The applicant or certified service may request a hearing before a hearing officer appointed by the Secretary to contest the proposed action, by mailing a certified return receipt letter addressed to the bureau within twenty (20) days after service of the notice.

G. Hearing: Upon receipt of a timely request for a hearing, the department shall appoint a hearing officer and schedule a hearing, to be held in Santa Fe, New Mexico, within forty five (45) working days of receipt of the timely request for a hearing. Exception: in the event of an immediate suspension by the bureau to protect the safety and health of the public, the air ambulance service will be afforded an expedited hearing within twenty (20) days of the date of the receipt of appeal.

H. Notice of Hearing: The department shall notify the applicant or certified service of the date, time, and place of the hearing, the identity of the hearing officer, and the subject matter of the hearing, not less than thirty (30) days prior to the date of the hearing. Exception: in the event of an immediate suspension to protect the safety and health of the public, notice will be provided of an expedited hearing within ten (10) days of receipt of appeal.

I. Hearing Officer Duties: The hearing officer shall preside over the hearing, administer oaths, take evidence and decide evidentiary objections and rule on any motions or other matters that arise prior to the hearing.

J. Discovery: Upon written request to another party, any party is entitled to:

(1) obtain the names and addresses of witnesses who will or may be called by the other party to testify at the hearing; and

(2) inspect and copy any documents or items which the other party will or may introduce in evidence at the hearing.

K. Conduct of Hearing: Hearings are open to the public unless a request for closed meeting is made by either party.

L. Hearing Officer Written Report and Recommendation(s): The hearing officer shall make a written report and recommendation(s) to the secretary containing a statement of the issues raised at the hearing, proposed findings of fact, and conclusions of law, and a recommended determination. The hearing officer or designee shall record the hearing by means of a mechanical sound recording device provided by the department for a record of the hearing. The hearing officer written report shall be submitted to the secretary no later than 30 working days after the close of the hearing.

M. Secretary's Determination: The secretary shall render a final determination within 10 working days of the submission of the hearing officer's written report. A copy of the final decision shall be mailed to the appealing party by certified mail, return receipt requested. A copy shall be provided to legal counsel for the bureau. [7.27.5.15 NMAC - Rp, 7.27.5.15 NMAC, 01/01/06]

7.27.5.16 STANDARDS: The most recent standards for air ambulance services published by the CAMTS are incorporated by reference, with the written permission of CAMTS. Air ambulance services shall meet the standards outlined in the CAMTS *accreditation standards*, with following exceptions:

A. Rotor Wing Scene Response Protocol (Rotor Wing): All rotor wing air ambulance services certified to operate in the state of New Mexico shall adhere to the response and transportation policy outlined below. Failure to adhere to the response protocol policy may be investigated by the department and may result in disciplinary action against the service(s) involved in the non-compliance. The department recognizes that air ambulance services may need to occasionally deviate from this policy in the best interest of patient care.

(1) Response: When a request from a EMS provider, law enforcement officer, or the incident commander for a rotor wing air ambulance is received by telephone or radio at a dispatch center to respond to a

scene, the dispatcher or air ambulance service shall ensure that the closest available service shall respond. If another rotor wing service is closer to the scene and their aircraft is available to respond, the request shall be transferred and communicated to that service, without delay.

(2) Transportation: All patients shall be transported by the rotor wing air ambulance service to the closest appropriate facility. For trauma patients, the regional or local trauma transportation protocols/guidelines should guide the destination decision. Regional or EMS system transportation protocols/guidelines shall also guide transportation decisions.

B. Inter-facility Transportation Protocol (Rotor Wing and Fixed Wing): The department follows the federal Emergency Medical Treatment and Labor Act (EMTALA) for inter-facility transfers.

(1) For inter-facility transfers, it is the responsibility of the physician at the sending facility to arrange an "appropriate transfer" under the EMTALA requirements. The EMTALA requirements include as part of arranging an "appropriate transfer" that the sending physician secure an appropriate method of transportation that is consistent with the patient's needs. (It is recommended that the sending physician and the receiving physician consult when making the decision about the appropriate method of transportation.)

(2) Physicians arranging inter-facility transfers must remain current on available EMS transportation options within their area. In New Mexico, the following options are available in many geographical areas; Regular ground ambulance (BLS and ALS), critical care ground ambulance, fixed wing air ambulances (BLS, ALS, and critical care), and rotor wing air ambulances (critical care).

C. Specific Exceptions to the CAMTS Accreditation Standards.

(1) Throughout the standards, the words "should be" means "shall" for the purpose of certification in New Mexico.

(2) In the far right hand column, "RW" applies to "rotor wing" and "FW" applies to "fixed wing". Both "RW" and "FW" apply for certification of air ambulance services in New Mexico.

(3) In the far right hand column, "G" refers to "ground transport" and "ME" refers to "medical escort". These do not apply for air ambulance certification in New Mexico.

(4) In section 01.10.02, the minimum "general liability insurance" required for rotor wing services is 50 million dollars in New Mexico.

(5) In section 01.10.01, if an accredited program refers a flight to another service, it shall follow the rotor wing scene response protocol and the inter-facility transportation protocol as found in section 7.27.5.16 NMAC.

(6) In section 01.12.00, all air ambulance services shall report aviation incidents and accidents to the CONCERN network and the bureau, as well as all appropriate other government agencies. See the CAMTS standards glossary for a definition of incident and accident. The CONCERN network provides information regarding accidents and incidents in the air medical and critical care transport community. This information is provided by the transport service involved and then distributed via email by the CONCERN network. The purpose of the CONCERN network is to increase awareness of safety hazards in the medical transport community. It is accessible via the world wide web at <http://www.concern-network.org>.

(7) In section 01.12.00, air ambulance services shall report all aviation incidents and accidents to the CONCERN network and the bureau, in addition to all other appropriate government agencies required by law.

(8) In section 02.03.00, a clinical care supervisor shall be an EMT-P or higher level of licensure.

(9) In section 02.04.01, on site shifts scheduled for greater than twenty-four hours are discouraged. [7.27.5.16 NMAC - Rp, 7.27.5.16 NMAC, 01/01/06]

7.27.5.17 RADIO COMMUNICATION FREQUENCIES:

A. The following UHF medical frequencies are required in all air ambulance vehicles to communicate with the New Mexico EMS system and to conduct medical communication in the state of New Mexico.

- (1) Transmit 463.000, receive 468.000.
- (2) Transmit 463.235, receive 468.025.
- (3) Transmit 463.050, receive 468.050.
- (4) Transmit 463.075, receive 468.075.
- (5) Transmit 463.100, receive 468.100.
- (6) Transmit 463.125, receive 468.125.
- (7) Transmit 463.150, receive 468.150.

- (8) Transmit 463.175, receive 468.175.
- (9) Transmit 462.950, receive 467.950.
- (10) Transmit 462.975, receive 467.975.

[7.27.5.17 NMAC - Rp, 7.27.5.17 NMAC, 01/01/06]

7.27.5.18 STANDARDS AND REQUIREMENTS CHECKLISTS: Standards and requirements are outlined in the CAMTS accreditation standards incorporated by reference, with the written permission of CAMTS, with the noted exceptions in section 7.27.5.16 NMAC.

[7.27.5.18 - Rp, 7.27.5.18 NMAC, 01/01/06]

7.27.5.19 APPLICATION FOR AIR AMBULANCE CERTIFICATION: All applications for certification as an air ambulance shall contain the following:

- A. service name;
- B. ownership structure: sole proprietor, partnership, corporation, etc.;
- C. service mailing address;
- D. physical location of facilities: use additional sheets as necessary;
- E. communications;
 - (1) business telephone;
 - (2) facsimile number;
 - (3) dispatch center telephone;
 - (4) emergency point of contact;
 - (5) operations telephone;
 - (6) cellular telephone;
 - (7) pager number;
- F. communications center: physical location of the communications center;
- G. medical service management personnel:
 - (1) program administrator: name, telephone, facsimile, and other contact information as applicable;
 - (2) medical director: name, license number, telephone, facsimile, and other contact information as applicable;
 - (3) clinical care supervisor: name, telephone, facsimile, and other contact information as applicable;
- H. hours of operations: 24 hour, 7 days a week, other (please explain);
- I. type of air ambulance certificate requested:
 - (1) fixed wing only;
 - (2) rotor wing only;
 - (3) combination service;
- J. level of service requested:
 - (1) advanced life support;
 - (2) critical care;
 - (3) specialty care;
- K. service affiliation:
 - (1) private or government service;
 - (2) hospital, police, independent, or municipal;
- L. aircraft certificate holder:
 - (1) service name;
 - (2) contact person;
 - (3) address;
 - (4) business telephone;
 - (5) facsimile;
 - (6) certificate number;
- M. type of aircraft: for fixed and rotor wing, the following information is required:
 - (1) make of aircraft(s);
 - (2) model of aircraft(s);
 - (3) tail number(s);

N. level of staffing: For both fixed and rotor wing, please attach a copy of your staffing plan to include the following:

- (1) EMS personnel: EMT-P and the number of each;
- (2) nursing personnel: number and type;
- (3) physician(s): number and type;
- (4) other personnel: number and type;

O. emergency information: emergency contact information shall be provided for the service director, clinical care supervisor, medical director, and dispatch agency;

P. all applicants shall meet the CAMTS accreditation standards for the level of service of the air ambulance service; some CAMTS accreditation standards may be waived by the bureau for initial certification since new start-up air ambulance services cannot achieve CAMTS accreditation without being in service for a period of time; some CAMTS accreditation standards have exceptions that are listed in 7.27.5.16 NMAC; in general the initial application for air ambulance certification shall include the following:

Standards	Reference Number
Medical Section	
Capabilities and Resources of the Medical Transport Service and receiving hospitals	01.00.00
Medical Personnel	02.00.00
Medical Director	02.01.00
Medical Control Physician	02.02.00
Clinical Care Supervisor	02.03.00
Staffing	02.04.00
Mission Types	02.05.00
Training and Continuing Education	02.06.00
Aircraft/Ambulance Section	
Medical Configuration	03.00.00
Operational Issues	04.00.00
Aircraft/Ambulance Equipment	05.00.00
Communications	06.00.00
Management and Administrative Responsibilities	
Management Policies	07.00.00
Utilization Review	07.01.08
Quality Management	08.00.00
Infection Control	09.00.00
Rotor Wing Standards	
Certificate of the Aircraft Operator	10.00.00
Weather and Weather Minimums	11.00.00
Pilot Personnel	12.00.00
Maintenance	13.00.00
Helipad	14.00.00
Refueling	15.00.00
Community Outreach	16.00.00
Fixed Wing Standards	
Certificate of the Aircraft Operator	17.00.00
Aircraft	18.00.00
Weather	19.00.00
Pilot Personnel	20.00.00
Policies	21.00.00

Standards	Reference Number
Maintenance	22.00.00
Refueling	26.00.00
Community Outreach	27.00.00
Ground Inter-facility Standards: Not Applicable.	N/A
Addendums	
Addendum A - Rationale for Change - Critical Care Alternative	
Addendum B - Education Matrix	
ALS-BLS Ground Standards: Not Applicable	N/A
Medical Escort Standards: Not Applicable	N/A

[7.27.5.19 NMAC - Rp, 7.27.5.19 NMAC, 01/01/06]

7.27.5.20 AIRCRAFT EQUIPMENT STANDARDS: Standards and requirements are outlined in the CAMTS accreditation standards incorporated by reference, with the noted exceptions in section 7.27.5.16 NMAC.
[7.27.5.20 NMAC - Rp, 7.27.5.20 NMAC, 01/01/06]

7.27.5.21 TRAINING STANDARDS: Standards and requirements are outlined in the CAMTS accreditation standards incorporated by reference, with the noted exceptions in section 7.27.5.16 NMAC.
7.27.5.21 NMAC - Rp, 7.27.5.21 NMAC, 01/01/06]

HISTORY of 7.27.5 NMAC:

Pre NMAC History: The material in this part was derived from that previously filed with the commission of public records - state records center and archives:
DOH Regulation 94-09 (CHSD), Regulations Governing The Certification Of Air Ambulance Services For The state Of New Mexico, filed 12-30-94.

History of repealed material:

7 NMAC 27.5, Certification of Air Ambulance Services, repealed 9/13/2001.
7.27.5 NMAC, Certification of Air Ambulance, repealed 01/01/06.

Other History:

DOH Regulation 94-09 (CHSD), Regulations Governing The Certification Of Air Ambulance Services For The State of New Mexico (filed 12-30-94), renumbered and reformatted to and replaced by 7 NMAC 27.5 NMAC, Certification of Air Ambulance Services, effective 9/13/2001.
7 NMAC 27.5 NMAC, Certification of Air Ambulance Services (filed 11-26-96) replaced by 7.27.5 NMAC, Certification of Air Ambulance, effective 9/13/2001.
7.27.5 NMAC, Certification of Air Ambulance (filed 8/30/01) replaced by 7.27.5 NMAC, Certification of Air Ambulance, effective 01/01/06.