

Pursuant to the authority vested in the Public Health and Health Planning Council and the Commissioner of Health by section 2803 of the Public Health Law, Section 405.45 of Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended, to be effective upon publication of a Notice of Adoption in the New York State Register, to read as follows:

Clause (d) of subparagraph (ii) of paragraph (1) of subdivision (c) of section 405.45, is amended to read as follows:

(d) A hospital seeking Level I, Level II, or Level III trauma center designation shall require that [any] the verification review team for the first verification site visit, as provided by ACS-COT, or other entity determined by the Department, include a nurse reviewer. The hospital shall submit to the Department documentation confirming that a nurse reviewer was a member of the verification review team for the first site visit.

REGULATORY IMPACT STATEMENT

Statutory Authority:

The authority for this regulation is contained in Public Health Law (PHL) section 2803. Pursuant to PHL § 2803(2), the Public Health and Health Planning Council (PHHPC) is authorized to adopt and amend rules and regulations, subject to the approval of the Commissioner, to implement the purposes and provisions of PHL Article 28, and to establish minimum standards governing the operation of hospitals.

Legislative Objectives:

The legislative objectives of PHL Article 28 include the protection and promotion of the health of the residents of the State. The proposed rule will remove the requirement that a nurse reviewer be present at the re-verification process for a trauma center and only require one be present at the initial verification.

Needs and Benefits:

The State Trauma Advisory Committee (STAC) and the Bureau of Emergency Medical Services (BEMS) agree that facilities seeking new designation as a trauma center must have a nurse reviewer at the initial verification visit by the American College of Surgeons Committee on Trauma (ACS-COT) or other entity determined by the Department, but need not have a nurse reviewer at re-verification visits. This updated regulation will keep the process of trauma center verification safe and efficient, decreasing the burden on future trauma center site visits.

Costs:

Costs for the Implementation of, and Continuing Compliance with the Regulation to the Regulated Entity:

There are no additional costs associated with the proposed rule change.

Costs to State and Local Governments:

There are no costs that will be imposed on State or local governments.

Costs to the Department of Health:

There are no new costs imposed upon the Department of Health by the proposed regulation.

Local Government Mandates:

There are no local government mandates imposed by the proposed regulation.

Paperwork:

There is no paperwork that local governments will be required to complete.

Duplication:

There is no duplication of services resulting from this proposed change.

Alternatives:

The alternative to the proposed rule change was to leave the existing language in 10 NYCRR § 405.45(c)(1)(ii)(d) as it currently stands. However, the proposed change was

recommended by the STAC and is intended to streamline the re-verification process for trauma centers.

Federal Standards:

There is no conflict with federal standards.

Compliance Schedule:

The proposed regulation change will take effect upon publication of the Notice of Adoption in the State Register and will affect facilities applying for initial trauma center verifications and re-verifications thereafter.

Contact Person:

Katherine Ceroalo
New York State Department of Health
Bureau of Program Counsel, Regulatory Affairs Unit
Corning Tower Building, Rm. 2438
Empire State Plaza
Albany, New York 12237
(518) 473-7488
(518) 473-2019 (FAX)
REGSQNA@health.ny.gov

**STATEMENT IN LIEU OF
REGULATORY FLEXIBILITY ANALYSIS**

No regulatory flexibility analysis is required pursuant to section 202-(b)(3)(a) of the State Administrative Procedure Act. The proposed amendment does not impose an adverse economic impact on small businesses or local governments, and it does not impose reporting, record keeping or other compliance requirements on small businesses or local governments.

**STATEMENT IN LIEU OF
RURAL AREA FLEXIBILITY ANALYSIS**

A Rural Area Flexibility Analysis for these amendments is not being submitted because amendments will not impose any adverse impact or significant reporting, record keeping or other compliance requirements on public or private entities in rural areas. There are no professional services, capital, or other compliance costs imposed on public or private entities in rural areas as a result of the proposed amendments.

**STATEMENT IN LIEU OF
JOB IMPACT STATEMENT**

No Job Impact Statement is required pursuant to section 201-a(2)(a) of the State Administrative Procedure Act. It is apparent, from the nature of the proposed amendment, that it will not have a substantial adverse impact on jobs and employment opportunities.