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TO: Local EMS Administrators
              EMS Medical Directors
              EMS Providers
              Other EMS System Stakeholders

FROM: Howard Backer, MD, MPH, FACEP
              Director

SUBJECT: New State EMS Data System Requirements

Recent legislation, in addition to multiple data initiatives, is driving rapid changes in EMS data systems at the local, state, and national levels. The EMS Authority is providing this guidance to local EMS agencies, EMS providers, and other stakeholders to clarify their responsibilities related to data and quality during 2016.

EMSA has made data quality and analysis a priority over the past 3 years. Stakeholders in the EMS system recently have engaged in discussions with EMSA regarding the strategy and changes around data collection and evaluation. In addition, EMSA recently formed a data advisory group consisting of three local EMS agency administrators and an equal number of medical directors to help determine a cooperative strategy for improving EMS data and its application. The continuation of funding from the Office of Traffic Safety for local data collection efforts and movement to NEMSIS 3.x, the development of EMS performance improvement measures (Core Measures) through one-time funding from the California HealthCare Foundation (CHCF), and the recent grant from the Office of the National Coordinator for Health Information Technology (ONC) to implement local health information exchange projects (Patient Unified Lookup System for Emergencies +EMS) have enhanced data and quality efforts.

In addition, four bills were passed by the legislature and signed by the Governor during 2015 related to data, quality, and the electronic movement of health information: AB503, AB1129, AB1223, and SB19.

EMSA plans to open the California Code of Regulation, Title 22, Division 9, Chapter 12, EMS System Quality Improvement regulations for amendments to implement the newly enacted sections of AB503, AB1129, AB1223 and SB19. This revision would update the regulations to appropriately address data and quality improvement. We will reach out to EMS stakeholder groups to establish a representative task force to assist us in this effort.

While the regulatory process is lengthy, the requirements of the legislation took effect January 1, 2016. Therefore, until the regulations are revised, the following information is provided to local EMS agencies and EMS providers to support the statutory requirements.

Implementation of AB1129 -- Health and Safety Code 1797.227

AB 1129, effective January 1, 2016, requires among other provisions that:

1. Each emergency medical care provider uses an electronic health record;

2. The electronic record must be <u>compliant</u> with the current version of NEMSIS and CEMSIS.

For the purposes of this guidance, an *emergency medical care provider* is an entity that is authorized as part of an EMS system by the local EMS agency. At a minimum, every ambulance transport provider (both emergency and non-emergency, including BLS, LALS, and ALS) and every advanced or limited advanced life support entity would fit this definition. Some Local EMS agencies also have specific local system design characteristics involving BLS non-transport first responder entities that also meet this definition.

For the purposes of interpreting the provisions of AB1129, EMSA recognizes that "electronic health record" means electronic Patient Care Report (ePCR). An *electronic health record (EHR)*, as defined by the Office of the National Coordinator for Health Information Technology (ONC), is a digital version of a patient's paper chart. Further, ONC notes:

> "EHRs are real-time, patient-centered records that make information available instantly and securely to authorized users. One of the key features of an EHR is that health information can be created and managed by authorized providers in a digital format capable of being shared with other providers across more than one health care organization."

To meet this definition, the electronic health record must have the capability of mobile entry at the patient's bedside, and incorporate workflow for real-time entry of information. This also means that all EHR systems should be interoperable with other systems, including the functionality to exchange (send and receive) electronic patient health information with other entities, including hospitals, in an HL7 format, using ONC standards. NEMSIS 3 incorporates these format standards.

AB1129 requires that, electronic health record systems must be <u>compliant with the</u> "current version of NEMSIS". The current version of NEMSIS is version 3.3.4 or version 3.4. The sunset date for version 3.3.4 is August 31, 2016. Compliant means a system that has been tested and certified "compliant" by NEMSIS; this certification information is posted on the NEMSIS website at *http://www.nemsis.org/v3/compliantSoftware.html*.

A local EMS agency may <u>not</u> mandate that a provider use a specific EHR system, but the EMS provider must use a system that "can be integrated" with the LEMSA system. Therefore, the local EMS agency may require the EMS provider to demonstrate, test, and ensure that the proposed system is compatible with the local EMS agency system at the provider's cost without a heavy reliance on mapping. The specific system mandate prohibition does not affect agreements in place by January 1, 2016.

<u>Compliance with CEMSIS</u> is determined by meeting any additional requirements by EMSA or California specific criteria that expand or limit the responses for any NEMSIS elements. These will be specified in a subsequent memo or guidance anticipated to be released by April 1, 2016.

NEMSIS Version 3.4:

All EMS systems must have a NEMSIS 3.4 compliant system in operation no later than midnight on December 31, 2016. California will use the NEMSIS Version 3.4 as our base data standard effective January 1, 2017. This will allow California to be consistent with the most current version of the national data standard and with AB1129.

The National Highway Safety Administration (NHTSA) and University of Utah have put a final sunset date on the use of NEMSIS Version 2. The submission of NEMSIS Version 2 will conclude at midnight on December 31, 2016 with no further time extension allowed.

Implementation of AB 503 – Health and Safety Code 1797.122:

This bill authorizes a health facility to share patient-identifiable information with a defined EMS provider, local EMS agency, and EMSA. This clarifies the California health information privacy law to be consistent with HIPAA, which already allows sharing of treatment, payment, and operations information between covered entities, and also specifies that local EMS agencies and EMSA may receive this information for quality improvement. The intent is to share outcome information on patients to support quality evaluation and performance improvement and the use of health information exchange. This will also enhance the annual EMS Core Measure reporting.

As allowed in the bill, EMSA will set the "minimum standards for the implementation of data collection, including system operation, patient outcome, and performance quality improvement." These standards will be incorporated into revisions of Chapter 12.

Implementation of AB 1223 – Health and Safety Code 1797.120 and 1797.225:

This bill requires EMSA to adopt standards related to data collection for ambulance patient offload time.

Interim guidance will be developed by EMSA, in collaboration with local EMS agencies, on statewide standard methodology for the calculation and reporting of ambulance patient offload time. Regulation revisions will propose to incorporate the methodology found in the interim guidance.

Implementation of SB 19 – Probate Code 4788:

This bill enacts the California POLST eRegistry Pilot Act. The bill requires the Emergency Medical Services Authority to establish a pilot project, in consultation with stakeholders, to operate an electronic registry system on a pilot basis, to be known as the California POLST eRegistry Pilot, for the purpose of collecting POLST information received from a physician or physician's designee, if non-state funding is received.

The bill requires EMSA to coordinate the development of the POLST eRegistry Pilot, which would be operated by health information exchange networks, by an independent contractor, or by a combination thereof. The main model envisioned for the registry is dependent on use of electronic health records by EMS personnel (as required in AB 1129), and transition to a NEMSIS 3 platform, to link those records to electronic medical records within health systems to send, receive, find, and use POLST information.

Many individuals throughout our EMS system are excited about the potential for increased data quality and consistency, which will lead to new opportunities to evaluate, understand, and improve our EMS system at all levels.

Please contact either Tom McGinnis at Tom.mcginnis@emsa.ca.gov 916-431-3695 or Kathleen Bissell at Kathy.bissell-benabides@emsa.ca.gov 916-431-3687 with any questions concerning this memo.