

Joe Lombardo
Governor



Richard Whitley,
MS
Director



Cody Phinney,
MPH
Administrator

Ihsan Azzam,
Ph.D., M.D.
Chief Medical
Officer

NOTICE OF PUBLIC HEARING

Joey Lohner, Rural Medevac Alliance, 102 S. Main St., Yerington, NV 89447, IS REQUESTING A VARIANCE, CASE # 760, FROM THE NEVADA STATE BOARD OF HEALTH REGULATIONS.

NOTICE IS HEREBY GIVEN THAT Joey Lohner, Rural Medevac Alliance, 102 S. Main St., Yerington, NV 89447, has requested a variance from Nevada Administrative Code (NAC) 450B.384.

A public hearing will be conducted on September 6, 2024, at 9:00 am by the Nevada State Board of Health to consider this request. This meeting will be held online and at physical locations, listed below.

Physical Locations:

Southern Nevada Health District (SNHD)
Red Rock Trail Rooms A and B
280 S. Decatur Boulevard; Las Vegas, Nevada 89107

Nevada Division of Public and Behavioral Health (DPBH)
Hearing Room No. 303, 3rd Floor
4150 Technology Way; Carson City, Nevada 89706

Meeting Link:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZjcxNGQzYjQtMzM1OS00MTNiLTg1ZWYtMmExODkwZTBkMTQ0%40thread.v2/0?context=%7b%22tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22oid%22%3a%22768e443d-3be6-48f0-9bb0-7e72f1276b8d%22%7d

Please Note: If you experience technical difficulties connecting online, please call into the meeting to participate by phone.

Join by Phone:

1-775-321-6111
Phone Conference ID Number: 382 183 728#

Joey Lohner, Rural Medevac Alliance, 102 S. Main St., Yerington, NV 89447, is requesting a variance from NAC 450B.384] which states:

“The holder of a certificate issued pursuant to Joey Lohner NAC 450B.360 shall not practice beyond the scope of the certificate unless authorized by the health authority which issued the certificate”.

Applicant is requesting approval to allow paramedics and nurses employed by Applicant to perform Escharotomy. Performing an Escharotomy at the Paramedic level is not recognized by the National Highway Traffic Safety Administration (NHTSA) for prehospital care.

The authority of the State Board of Health to consider and grant a variance from the requirements of a regulation is set forth at NRS 439.200 and NAC 439.200 – 439.280.

Persons wishing to comment upon the proposed variance may appear at the scheduled public hearing or may submit written testimony at least five days before the scheduled hearing to:

Secretary, State Board of Health
Division of Public and Behavioral Health
4150 Technology Way, Suite 300
Carson City, NV 89706

Anyone wishing to testify for more than five minutes on the proposed variance must petition the Board of Health at the above address. Petitions shall contain the following: 1) a concise statement of the subject(s) on which the petitioner will present testimony; 2) the estimated time for the petitioner's presentation.

This notice has also been posted at the following locations:

DIVISION OF PUBLIC AND BEHAVIORAL HEALTH (DPBH), 4150 TECHNOLOGY WAY, CARSON CITY, NV
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH WEBSITE:

<http://dpbh.nv.gov/Boards/BOH/Meetings/Meetings/>

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MEMORANDUM

DATE: August 8, 2024
TO: John Pennell, Chair
State Board of Health
FROM: Cody Phinney, Administrator
Division of Public and Behavioral Health
RE: Case # 760, Rural Medevac Alliance

Summary of Variance Request:

For the below stated reasons, the Division of Public and Behavioral Health (DPBH) staff recommends that the State Board of Health deny Variance Case # 760, submitted by Joey Loehner on behalf of Rural Medevac Alliance ("Applicant"). Applicant has submitted a request for variance from the requirement of Nevada Administrative Code (NAC) 450B.384, requesting approval to allow paramedics and nurses employed by Applicant to perform Escharotomy. Performing an Escharotomy at the Paramedic level is not recognized by the National Highway Traffic Safety Administration (NHTSA) for prehospital care.

Regulation:

NEVADA ADMINISTRATIVE CODE (NAC) 450B.384 STATES:

"The holder of a certificate issued pursuant to NAC 450B.360, shall not practice beyond the scope of the certificate unless authorized by the health authority which issued the certificate".

Degree of risk to public health or safety:

Performing this procedure under sterile conditions in the prehospital setting is unlikely and could cause delay of care and transport of the critically ill patient.

Exceptional and undue hardship:

After review, staff have determined Applicant has not demonstrated exceptional and undue hardship.

Staff Recommendation

DPBH staff recommend the State Board of Health **deny** Case # 760, Joey Loehner, Rural Medevac Alliance variance to NAC 450B.384. This recommendation only addresses Paramedic personnel, not Advanced Practice/Emergency Medical Services

Registered Nurses as cited in the application. Staff have been unsuccessful in finding industry support for prehospital Escharotomy by Paramedics. Reference listed by Applicant in the request for variance caution performing escharotomy at bedside in an emergency department and strongly recommend the skill be performed in a surgical suite.

Public Comments:

None received

Presenter:

Bobbie Sullivan, Emergency Medical Services Program Manager

Attachments:

None

NEVADA STATE BOARD OF HEALTH
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH
4150 Technology Way, Suite 300
CARSON CITY, NV 89706

APPLICATION FOR VARIANCE

Please check the appropriate box that pertains to the NAC for which you are requesting a variance.

Division Administration
(NAC 439, 441A, 452, 453A, & 629)

Health Care Quality & Compliance
(NAC 449, 457, 459 & 652)

Child, Family & Community Wellness
(NAC 392, 394, 432A, 439, 441A, & 442)

Health Statistics, Planning,
Epidemiology and Response
(NAC 440,450B, 452, 453, 453A, & 695C)

Public Health & Clinical Services
(NAC 211, 444, 446, 447, 583, & 585)

Date: 02/19/2024

Name of Applicant: Joey Loehner

Phone: 559-310-7999

Mailing Address: 102 S. Main St

City: Yerington

State: NV

Zip: 89506

We do hereby apply for a variance to
chapter/section

See Attached of the Nevada

Administrative Code (NAC). (For example: NAC 449.204)

Title of section in
question:

See Attached

Statement of existing or proposed conditions in violation of the NAC:

See Attached

NEVADA STATE BOARD OF HEALTH
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH
4150 Technology Way, Suite 300
CARSON CITY, NV 89706

APPLICATION FOR VARIANCE

Date of initial operation (if existing): N/A

ATTENTION: Please read this section closely. Your request for variance will be examined against these criteria:

Any person who, because of unique circumstances, is unduly burdened by a regulation of the State Board of Health and thereby suffers a hardship and the abridgement of a substantial property right may apply for a variance from a regulation. (NAC 439.200(1))

1. The State Board of Health will grant a variance from a regulation only if it finds from the evidence presented at the hearing that:
 - (a) There are circumstances or conditions which:
 - (1) Are unique to the applicant;
 - (2) Do not generally affect other persons subject to the regulation;
 - (3) Make compliance with the regulation unduly burdensome; and
 - (4) Cause a hardship to and abridge a substantial property right of the applicant; and
 - (b) Granting the variance:
 - (1) Is necessary to render substantial justice to the applicant and enable him to preserve and enjoy his property; and
 - (2) Will not be detrimental or pose a danger to public health and safety.

2. Whenever an applicant for a variance alleges that he suffers or will suffer economic hardship by complying with the regulation, he must submit evidence demonstrating the costs of his compliance with the regulation. The Board will consider the evidence and determine whether those costs are unreasonable. (NAC 439.240)

Therefore, it is important for your variance request to be as complete as possible. It is your responsibility to attach documentation supportive of your variance request.

Statement of degree of risk of health

See Attached

NEVADA STATE BOARD OF HEALTH
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH
4150 Technology Way, Suite 300
CARSON CITY, NV 89706

APPLICATION FOR VARIANCE

Please state in detail the circumstances or conditions which demonstrate that:

1. An exceptional and undue hardship results from a strict application of the Regulation:

See Attached

2. The variance, if granted, would not:
 - A. Cause substantial detriment to the public welfare.

See Attached

- B. Impair substantially the purpose of the regulation from which the application seeks a variance.

See Attached

The bureau may require the following supporting documents to be submitted with and as a part of this application:

1. Legal description of property concerned
2. General area identification map

NEVADA STATE BOARD OF HEALTH
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH
4150 Technology Way, Suite 300
CARSON CITY, NV 89706

APPLICATION FOR VARIANCE

- _ 3. Plat map showing locations of all pertinent items and appurtenances
- _ 4. Well log (if applicable)
- _ 5. Applicable lab reports
- _ 6. Applicable engineering or construction/remodeling information
- _ 7. Other items (see following pages)

This application must be accompanied by evidence demonstrating the costs of your compliance with regulations or specific statutory standards. Your request will be placed on the Board of Health agenda 40 days or more after receipt in this office if accompanied by the required fee (NAC 439.210). The application and supporting documentation will form the basis for the Division of Public and Behavioral Health staff report and recommendation(s) to the Board. Failure to respond to the above statements may cause the Board to deny consideration of the application at the requested Board meeting.

Please schedule this hearing during:

The next regularly scheduled Board of Health meeting, regardless of location.

The next scheduled meeting in Carson City.

The next scheduled meeting in Las Vegas.

Signature: _____

Joey Loehner

Printed Name: _____

Joey Loehner

Title: _____

CEO

Date: _____

02/19/2024

NEVADA STATE BOARD OF HEALTH
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH
4150 Technology Way, Suite 300
CARSON CITY, NV 89706

APPLICATION FOR VARIANCE

**PLEASE SUBMIT YOUR APPLICATION FOR VARIANCE BY USING
ANY OF THE FOLLOWING METHODS:**

MAIL TO:

Lisa Sherych, Administrator
Division of Public and Behavioral Health
4150 Technology Way, Suite 300
Carson City, NV 89706

FAX:

775-687-7570

EMAIL:

DPBH@health.nv.gov



102 S. Main St | Yerington, NV 89447 | (559) 310-7999

Rural Medevac Alliance is seeking a variance to Nevada Administrative Code NAC 450B.384.

The variance requested is as follows:

- Allowing Paramedics and EMS Registered Nurses to perform an Escharotomy under a set of strict guidelines, training requirements and under the authority of the Medical Director, Ryan Hodnick.

NAC 439.200(1): Any person who, because of unique circumstances, is unduly burdened by a regulation of the State Board of Health and thereby suffers a hardship and the abridgement of a substantial property right may apply for a variance from a regulation.

NAC 439.240:

1. The State Board of Health will grant a variance from a regulation only if it finds from the evidence presented at the hearing that:
 - (a) There are circumstances or conditions which:
 - (1) Are unique to the applicant;
 - (2) Do not generally affect other persons subject to the regulation;
 - (3) Make compliance with the regulation unduly burdensome; and
 - (4) Cause a hardship to and abridge a substantial property right of the applicant;
 - and
 - (b) Granting the variance:
 - (1) Is necessary to render substantial justice to the applicant and enable him to preserve and enjoy his property; and
 - (2) Will not be detrimental or pose a danger to public health and safety.

NAC 439.240 Response:

A1: The nature of air medical transport is unpredictable with immense variability in patient care times. With this variability, it is impossible to predict time to definitive care. The unknown time to definitive care, coupled with the extreme variability in patient condition demonstrates the need for additional skills to provide appropriate care for the patients and communities served by Rural Medevac Alliance.

A2: Approval of the Escharotomy variance would only affect Rural Medevac Alliance employees.

A3: Current regulation burdens Rural Medevac Alliance and in turn our patients through limiting the level of care RMA is able to provide. As noted above, the nature of air medical transport is unpredictable with immense variability on patient care times. The ability to perform Escharotomy has proven mortality reduction (3).

B2: Approval of this variance would not be detrimental or pose a danger to public health and Safety, rather, would reduce morbidity and mortality.

STATEMENT OF DEGREE OF RISK OF HEALTH:

Escharotomy is a life and/or limb saving procedure. When utilized appropriately, there are relatively few contraindications (4). These contraindications are easily identified through training. Annual cadaver labs will ensure that each clinician possesses the knowledge and ability to perform this life-saving skill, including the indications and contraindications (2).

AN EXCEPTIONAL AND UNDUE HARDSHIP RESULTS FROM A STRICT APPLICATION OF THE REGULATION:

Helicopter EMS (HEMS) programs transport medical and trauma patients who are often in need of critical life-saving interventions. When requested, it is imperative that they are able to perform life and limb-saving procedures to include an escharotomy in the case of circumferential burns impairing the ability to adequately ventilate the patient. When this occurs, chest escharotomy is the recommended treatment to restore chest expansion and therefore ventilation. (1). Without this procedure, the patient will continue to deteriorate and progress into respiratory failure. Furthermore, due to the nature of HEMS operations, significant delays to definitive care occur due to distance, which can result in loss of limb or life.

THE VARIANCE, IF GRANTED, WOULD NOT:

A. CAUSE SUBSTANTIAL DETRIMENT TO THE PUBLIC WELFARE.

By providing rigorous training and a substantial QA/QI process with medical director involvement, escharotomies will be closely monitored to ensure appropriate patient care is provided. Annual cadaver labs will ensure that each clinician possesses the knowledge and ability to perform this life-saving skill (2).

B. IMPAIR SUBSTANTIALLY THE PURPOSE OF THE REGULATION FROM WHICH THE APPLICATION SEEKS A VARIANCE.

While escharotomies need to be closely monitored for appropriate and efficacious use in the clinical and prehospital setting, there is a clear mortality benefit to including escharotomy in the HEMS clinician skill-set (3).

TRAINING REQUIREMENTS:

All providers will receive initial training during the RMA new hire orientation. The training will contain a lecture followed by a hands on / skills portion. All hands on / skills will be checked off by an approved RMA instructor and RMA Medical Director. Continuing education will occur during our quarterly skills assessments. The quarterly skills assessments require the provider not only to demonstrate proficiency with the hands on / skills portion, but also to be able to answer a predetermined set of questions to demonstrate competency. Lastly, to ensure proper utilization, all Escharotomy ePCRs will be 100% reviewed.

CITED:

1. Kupas DF, Miller DD. Out-of-hospital chest escharotomy: a case series and procedure review. *Prehosp Emerg Care*. 2010 Jul-Sep;14(3):349-54. doi: 10.3109/10903121003770670. PMID: 20397867.
2. Zhang IY, Thomas M, Stewart BT, Curtis E, Blayney C, Mandell SP, Sohn VY, Pham TN. Validation of a low-cost simulation strategy for burn escharotomy training. *Injury*. 2020 Sep;51(9):2059-2065. doi: 10.1016/j.injury.2020.06.007. Epub 2020 Jun 10. PMID: 32564962.
3. Hall K, Burns B. A review of the burns caseload of a physician-based helicopter emergency medical service. *Emerg Med Australas*. 2017 Aug;29(4):438-443. doi: 10.1111/1742-6723.12810. Epub 2017 Jun 1. PMID: 28571104.
4. Zhang L, Labib A, Hughes PG. Escharotomy. [Updated 2023 Aug 14]. In: StatPearls [Internet]. Treasure Island (FL): StatPearls Publishing; 2023 Jan-. Available from: <https://www.ncbi.nlm.nih.gov/books/NBK482120/>



102 S. Main St | Yerington, NV 89447 | (559) 310-7999

February 19, 2024

State of Nevada EMS
4150 Technology Way
Suite 101
Carson City, NV 89701

Physician Support of Variance Request

To whom it may concern,

I, Ryan Hodnick, do hereby support the request to allow Paramedics and EMS Registered Nurses to Escharotomies under the specified requirements, guidance, oversight, and training as detailed in the variance application.

Should you have any question relating to this request, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Ryan Hodnick", with a large, circular flourish at the beginning.

Ryan Hodnick
Medical Director
Rural Medevac Alliance
lasvegas.em@gmail.com