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March 6, 2023


Paige Hargrove, Executive Director
Louisiana Emergency Response Network
14141 Airline Highway, Building #1, Suite A & B
Baton Rouge, LA 70817

RE: LAC 48:I, Chapter 191, §19123 - LERN Destination Protocol: TRAUMA

Dear Paige:

Enclosed is a copy of the Final Rule published in the State Register on February 20, 2023.

Very truly yours,



CELIA R. CANGELOSI

CRC/tsc
Enclosures

B. The department may review all above provisions every three years, at a minimum, to evaluate continuation of these enhanced reimbursements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:265 (February 2023).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Dr. Courtney N. Phillips
Secretary

2302#075

RULE

**Department of Health
Emergency Response Network**

LERN Destination Protocol: TRAUMA (LAC 48:I.19123)

The Emergency Response Network Board has exercised the provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and codifies in LAC 48:I.Chapter 191, Section 19123, a protocol adopted and promulgated on August 18, 2022, by the Emergency Response Network Board for the transport of trauma and time sensitive ill patients, adopted by authorized by R.S. 9:2798.5 (to replace the protocol adopted by December 10, 2015, codified in LAC 42:904 (December 10, 2015)) as LAC 48:I.Chapter 191, Section 19123. The Rule was effective January 1, 2023. This Rule is hereby adopted on the day of promulgation.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 15. Emergency Response Network

Chapter 191. Trauma Protocols

§19123. LERN Destination Protocol: TRAUMA

A. On August 18, 2022, the Louisiana Emergency Response Network Board [R.S. 40:2842(1) and (3)] adopted and promulgated “LERN Destination Protocol: TRAUMA”, and replacing the “LERN Destination Protocol: TRAUMA” adopted and promulgated December 10, 2015, as follows:

1. Call LERN Communication Center at (866) 320-8293 for patients meeting the following criteria.

Assess for Extremis		
<ul style="list-style-type: none"> • Unmanageable airway • Tension pneumothorax • Traumatic cardiac arrest • Burn patient without patent airway • Burn patient > 40 percent BSA without IV or IO Access 	Yes→	Closest ED/Trauma Center
No↓		
Measure vital signs and Mental Status		
<ul style="list-style-type: none"> • Unable to follow commands (Motor GCS < 6) • RR <10 or > 29 breaths per minute (<20 in infant aged <1 year) 	Yes→	Transport to Trauma Center/Trauma Program These patients should be transported to the highest level of care within the defined

<ul style="list-style-type: none"> • Respiratory distress or need for support • Room air pulse oximetry <90% • Age 0-9: SBP <70 mmHG + (2 x age in years) • Age 10-64: SBP <90 mmHG or HR > SBP • Age ≥ 65: SBP <110 mmHG or HR > SBP 		trauma system. This is a Level 1 or a Level 2 Trauma Center or Trauma Program. * If distance or patient condition impedes transport to Level 1 or 2, consider transport to a Level 3 Trauma Center/Trauma Program or most appropriate resourced hospital.
No↓		
Assess Injury Patterns		
<ul style="list-style-type: none"> • All penetrating injuries to head, neck, torso, and extremities proximal to elbow or knee • Chest wall instability or deformity or suspected flail chest • Suspected fracture of two or more proximal long-bones • Crushed, de-gloved, mangled, or pulseless extremity • Amputation proximal to wrist or ankle • Suspected pelvic fracture • Skull deformity or suspected skull fracture • Suspected spinal injury with new motor or sensory loss • Active bleeding requiring a tourniquet or wound packing with continuous pressure 	Yes→	Transport to Trauma Center/Trauma Program These patients should be transported to the highest level of care within the defined trauma system. This is a Level 1 or a Level 2 Trauma Center or Trauma Program. * If distance or patient condition impedes transport to Level 1 or 2, consider transport to a Level 3 Trauma Center/Trauma Program or most appropriate resourced hospital
No↓		
Assess mechanism of injury		
<ul style="list-style-type: none"> • Falls from height >10 feet (all ages) • High-risk auto crash <ul style="list-style-type: none"> -- Intrusion, including roof: <ul style="list-style-type: none"> - 12 inches occupant site; - 18 inches any site; - need for extrication for patient entrapped - Ejection (partial or complete) from automobile - Death in the same passenger compartment - Child (Age 0-9) unrestrained or in unsecured child safety seat - Vehicle telemetry data consistent with a high risk of injury • Auto vs. pedestrian/bicyclist thrown, run over, or with significant (>20 mph) impact • Rider separated from transport vehicle with significant impact (ex: motorcycle, ATV, Horse, etc.) 	Yes→	Transport to Trauma Center/Trauma Program which, depending upon the defined trauma system, need not be the highest level trauma center/program. If no Trauma Center/Trauma Program in the region, LCC may route to the most appropriate resourced hospital.
No↓		
Assess special patient or system considerations		
<ul style="list-style-type: none"> • Older Adults <ul style="list-style-type: none"> - Age ≥ 65 with evidence of traumatic injury - Fall from any height with evidence of significant head impact 	Yes→	Transport to Trauma Center/Trauma Program or hospital capable of timely and thorough evaluation and initial management of potentially serious injuries. Consider

<ul style="list-style-type: none"> - Use of anticoagulant or antiplatelet drugs • Children <ul style="list-style-type: none"> - Age ≤ 5 with evidence of traumatic injury - Fall from any height with evidence of significant head impact • Burns <ul style="list-style-type: none"> - In conjunction with trauma - High voltage electrical injuries • Pregnancy >20 weeks • Major joint dislocations (hip, knee, ankle, elbow) • EMS provider judgment 		consultation with medical control.
No↓		
Multi/Mass Casualty Incident	No→	Transport according to protocol

2. When in doubt, transport to a trauma center.

AUTHORITY NOTE: Promulgated in accordance with R.S. 9:2798.5 and R.S. 40:2846(A).

HISTORICAL NOTE: Promulgated by the Department of Health, Emergency Response Network, LR 49:265 (February 2023).

Paige Hargrove
Executive Director

2302#027

RULE

**Department of Insurance
Office of the Commissioner**

**Regulation 42—Group Self-Insurance Funds
(LAC 37:XIII.Chapter 11)**

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, and through the authority granted under R.S. 22:1 et seq., and specifically R.S. 22:11, the Department of Insurance has amended Regulation 42—Group Self-Insurance Funds. The Department of Insurance has amended Regulation 42 to update statutory references and revise language to align with current law.

The purpose of the amendment of Regulation 42 is to make changes to bring Regulation 42 into alignment with current law. Definitions have been updated. The requirements for an application to create a group self-insurance fund have been revised. The language regarding filing and use of rates has been updated. The procedure for addressing fund insolvencies has been updated. Language regarding required examinations of group self-insurance funds has been added. This Rule is hereby adopted on the day of promulgation.

**Title 37
INSURANCE**

Part XIII. Regulations

Chapter 11. Regulation Number 42—Group Self-Insurance Funds

§1101. Definitions

A. When used in this regulation, the following words or terms shall have the following meaning.

Contingent Liability—the amount that a group self-insurance fund may be obligated to pay in excess of a given fund year’s normal premium collected or on hand.

Department—the Louisiana Department of Insurance.

Fiscal Agent—an individual, partnership, or corporation engaged by a group self-insurance fund to carry out the fiscal policies of the fund, invest and disburse assets, and oversee the financial matters of the fund. An administrator may be a fiscal agent.

Gross Premium—premium determined by multiplying the payroll (segregated into the proper workers' compensation job classifications) by the manual premium rates approved by the commissioner.

Group Self-Insurance Fund or Fund—employers who enter into agreements to pool their workers compensation liabilities in accordance with Louisiana Revised Statutes 23:1195.

Insolvency—the condition existing when the fund’s liabilities before member distribution payable or dividend payable are greater than the fund’s assets determined in accordance with generally accepted accounting principles as delineated in the fund’s financial statement audited by an independent certified public accountant. For the purposes of determining insolvency, assets will not include intangible property, such as patents, trade names, or goodwill.

Standard Premium—gross premium adjusted by experience modifiers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1200.1.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 18:1403 (December 1992), amended LR 47:52 (January 2021), LR 49:267 (February 2023).

§1103. Application to Create a Group Self-Insurance Fund

A. All applications to create a group self-insurance fund shall meet the requirements of Louisiana Revised Statutes Title 23, §1195 et seq., any other applicable laws of the state of Louisiana, and this regulation.

B. Applications shall be made in writing on a form provided by the department.

C. Applications shall be submitted to the department at least 90 days prior to the effective date for establishment of a fund. Any application submitted with less than 90 days remaining before the desired effective date, or which does not contain answers to all questions, or which is not sworn to and subscribed before a notary public, or which does not contain all required documents, statements, reports, and required information, may be returned without review by the department.

D. All applications shall be accompanied by:

1. a properly completed indemnity agreement in a form acceptable to the department, pursuant to §1111 of this regulation;

2. security as required by Louisiana Revised Statutes Title 23, §1195 et seq. and this regulation;

3. copies of acceptable excess insurance or reinsurance policies, pursuant to Louisiana Revised Statutes Title 23, §1195 et seq. and this regulation;