

MEMORANDUM

TO: New Mexico Hospital Emergency Rooms and Intensive Care Units

FR: Charles Schroeder, EMS Licensing Manager
NM EMS Bureau

DATE: September 30, 2007

SUBJECT: Clarification of use of rotor wing aircraft during interfacility transfers

It has come to our attention that there has been some confusion regarding the NM Department of Health Air Ambulance Regulation 7.27.5.16, NMAC, Response and Transportation Protocol. **The rule states that for Rotor Wing Scene Response (Rotor Wing):**

- (1) Response: When a request from an 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.

The rule also states that for Inter-facility Transportation (Rotor Wing and Fixed Wing):

That 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).

Therefore, the “closest appropriate service” only applies to scene response. For inter-facility transports, the patient’s physician may make arrangements through any appropriate EMS transport service.