

EMS Policy no. 4442, EMS Aircraft Medical Control  
 45 Day Public Comment Period  
 October 4., 2024 to November 18, 2024

SECTION # PAGE #	ORGANIZATION	COMMENT	RESPONSE
EMS Policy No. 4442,	Brian Hajik American Medical Response	<p>Adherence to County EMS Agency Procedures and Policies The requirement that “medical flight crews shall adhere to all procedures, policies, and protocols of SJCEMSA”</p> <p>(Section 1) creates a broad and potentially problematic application of local authority over air medical services. While air medical crews, particularly Paramedics, are accustomed to adhering to county treatment policies during emergency scene responses, the language as written implies regulatory jurisdiction over the Flight Nurse, while also exerting control over air medical operations for both emergent scene and inter-facility care and transport. This regulatory overreach risks running afoul of the California Nurse Practice Act and the Airline Deregulation Act.</p> <p>Under the Airline Deregulation Act of 1978, state and local governments are preempted from enacting or enforcing laws or regulations related to the “rate, route, or service” of an air carrier, which includes air medical providers. Courts have routinely upheld that local entities cannot impose undue restrictions or regulations that interfere with air medical services, particularly in the context of non-emergent, inter-facility transports . The policy as currently written, risks interpretation as exerting control over services that could degrade or otherwise limit the providers capabilities (services), adversely affect competitive position.</p> <p>Under the California Nurse Practice Act, RNs are licensed professionals with the authority to make independent clinical decisions within their scope of practice. This includes their role in emergent scene</p>	SJCEMSA is rescinding revisions to this policy. Current EMS Policy 4442, EMS Aircraft Medical Control, Jan 1, 2010, remains in effect.

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		<p>and inter-facility transports, where RNs are often responsible for advanced patient care without direct supervision from physicians. By placing all patient care under the control of the County Medical Director, the proposed policy infringes on the autonomous practice rights of RNs. RNs operate independently, making clinical decisions in real-time based on their professional judgment and licensure. Subjecting them to additional oversight by the County Medical Director creates conflict with the Nurse Practice Act, which already provides a robust framework for RN practice, including accountability, patient care protocols, and regulatory oversight by the California Board of Registered Nursing.</p> <p>2. Online Medical Control for Medical Flight Crews Providing Patient Care Section 2 of the proposed policy, particularly the distinction between online medical control for paramedics and flight nurses, is problematic as it likely runs afoul with established practice under law:</p> <p>(a) Scene of Medical Emergency: The policy grants the county base hospital online medical control authority in emergency scenes, a common practice in many counties. However, the requirement that flight nurses—who operate under the independent authority of the Nurse Practice Act—adhere to the county’s Base Hospital Physicians or MICN guidance introduces potential conflicts with their legal scope of practice. Registered nurses have independent decision-making authority, particularly in critical care environments, and are not bound by the accreditation requirements of the local EMS authority as paramedics.</p>	

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		<p>(b) Flight Nurse Alternative Medical Control: The policy further requires that alternative methods for online medical control for flight nurses be approved by the county's medical director. This raises concerns regarding the autonomy of flight nurses granted under the Nurse Practice Act, which already provides them with authority to make independent clinical decisions based on established protocols approved by their employing medical director. Imposing additional oversight through the county's medical director could interfere with their professional licensure and may not be legally enforceable.</p> <p>3. Off-line Standing Orders and Medical Skills            Section 3(a) permits flight nurses to perform skills and administer medications beyond the county paramedic scope of practice, provided that those additional skills and medications are developed by the provider's medical director and approved by the county's medical director. While this appears to acknowledge the advanced practice of flight nurses, it still imposes restrictions that are not consistent with the California Nurse Practice Act. Flight nurses are already authorized to provide advanced critical care interventions that exceed the scope of paramedics, Requiring County medical director approval for interventions that are already within the flight nurse's scope of practice creates unnecessary regulatory duplication and may hinder patient care.</p>	
EMS Policy No. 4442, II	Jonathan Mendoza SSJCFA	Policy 4442 Section II. B. Spelling error – "fight", should be "flight".	SJCEMSA is rescinding revisions to 4442. Current Policy 4442, EMS Aircraft Medical Control, Jan 1, 2010 in effect.

Use additional sheets as needed.

EMS Form 1301A

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