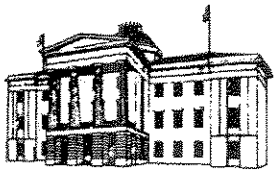
State of North Carolina



BEVERLY EAVES PERDUE
GOVERNOR

EXECUTIVE ORDER NO. 9

TO ESTABLISH THE EMERGENCY MEDICAL SERVICES AND TRAUMA RULES EFFECTIVE DATE

WHEREAS, North Carolina is committed to ensuring that citizens receive quality emergency medical services and trauma care; and

WHEREAS, in 2008 the North Carolina Department of Health and Human Services (DHHS) launched an extensive 14-month process to revise the Emergency Medical Services and Trauma rules in order to better meet the needs of citizens requiring emergency medical care, including holding stakeholder meetings and seven public hearings, and receiving and considering written comments; and

WHEREAS, on November 7, 2008, the North Carolina Medical Care Commission took the following actions: (1) adopted Emergency Medical Services and Trauma rules at 10A NCAC 13P .0204, 10A NCAC 13P .0209, 10A NCAC 13P .0301, 10A NCAC 13P .0302, 10A NCAC 13P .0305, and 10A NCAC 13P .0409, which were approved as permanent rules by the Rules Review Commission on December 18, 2008, and (2) adopted Emergency Medical Services and Trauma rule at 10A NCAC 13P .0102, which was approved as a permanent rule by the Rules Review Commission on January 22, 2009; and

WHEREAS, these rules serve to establish the criteria necessary for DHHS to ensure the public health and safety of critically sick and injured patients requiring emergency medical care; and

WHEREAS, without these rules, there would be no authority for DHHS to provide the necessary medical oversight of certain aspects of patient care being rendered to citizens in need of emergency medical care, therefore endangering the health and safety of such citizens; and

WHEREAS, Senate Bill 232 was filed on February 18, 2009 specifically disapproving the permanent rules and, as a result of such filing, the effective date of the permanent rules would be the earlier of either the day an unfavorable final action is taken on the Senate Bill 232

or the day the 2009 session of the General Assembly adjourns without ratifying a bill specifically disapproving these rules; and

WHEREAS, the Administrative Procedures Act authorizes the Governor, by Executive Order, to make effective a permanent rule upon finding that it is necessary to protect public health, safety, or welfare;

NOW, THEREFORE, by the power vested in me as Governor by the Constitution and laws of the State of North Carolina, **IT IS ORDERED**:

Section 1. Findings.

It is necessary that the permanent rules regarding emergency medical services and trauma services, 10A NCAC 13P .0102, 10A NCAC 13P .0204, 10A NCAC 13P .0209, 10A NCAC 13P .0301, 10A NCAC 13P .0302, 10A NCAC 13P .0305, and 10A NCAC 13P .0409, be made effective immediately in order to protect the public health, safety, and welfare.

Section 2. Effective Date of the Rule.

The permanent rules regarding emergency medical services and trauma services, 10A NCAC 13P .0102, 10A NCAC 13P .0204, 10A NCAC 13P .0209, 10A NCAC 13P .0301, 10A NCAC 13P .0302, 10A NCAC 13P .0305, and 10A NCAC 13P .0409, are hereby made effective March 3, 2009, pursuant to the Executive Order Exception authority contained in the Administrative Procedures Act, N.C.G.S. §150B-21.3(c).

Section 3. Effective Date.

This Executive Order becomes effective March 3, 2009, and shall remain in effect until rescinded.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this third day of March in the year of our Lord two thousand and nine, and of the Independence of the United States of America the two hundred and thirty-third.

Beverly Eaves Perdue
Governor

ATTEST:

Elaine F. Marshall
Secretary of State

by authority
Rodney Maddox
Chief Deputy Secretary
of State