

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.01.04 – EMERGENCY MEDICAL SERVICES (EMS) – ACCOUNT III GRANTS

DOCKET NO. 16-0104-1701 (NEW CHAPTER)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 56-1018B, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing concerning this rulemaking will be held as follows:

PUBLIC HEARING SCHEDULE
Thursday, September 21, 2017 - 10:30 am (MDT)
Department of Health & Welfare Bureau of EMS Preparedness Boise, ID
TELECONFERENCE CALL-IN
Toll Free: 1-213-929-4212 Participant Code: 897-402-816
WEBINAR
Participate through computer and Internet audio https://attendee.gotowebinar.com/register/368729305232240129 PRE-REGISTRATION is required

The hearing site will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Department is proposing this new chapter of rules in IDAPA 16.01.04, “Emergency Medical Services (EMS) - Account III Grants,” to update the processes for EMS grant applications and other requirements for the approval of these grants. The current chapter of rules under IDAPA 16.02.04, “Rules Governing Emergency Medical Services Account III Grants,” is being repealed in its entirety in this same Bulletin under Docket No. 16-0204-1701.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: NA

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking:

There is no anticipated fiscal impact to state general funds or any other funds except the costs of the rule promulgation, which includes printing and publication. Funds that are distributed through this program are dedicated funds provided under Section 56-1018B, Idaho Code.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published under the current chapter Docket No. 16-0204-1701 in the May 3, 2017, Idaho Administrative Bulletin, **Vol. 17-5, pages 63-64**, and the June 7, 2017, Idaho Administrative Bulletin, **Vol. 17-6, page 35**.

INCORPORATION BY REFERENCE: No materials are being incorporated by reference into these rules.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact John Cramer at (208) 334-4000.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 27, 2017.

DATED this 4th day of August, 2017.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
Phone: (208) 334-5500 / Fax: (208) 334-6558
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THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 16-0104-1701
(This is a Complete Chapter Rewrite, All Sections are Included.)

IDAPA 16
TITLE 01
CHAPTER 04

16.01.04 – EMERGENCY MEDICAL SERVICES (EMS) – ACCOUNT III GRANTS

000. LEGAL AUTHORITY.

The Idaho Board of Health and Welfare is authorized under Section 56-1023, Idaho Code, to adopt rules and standards concerning the administration of the Idaho Emergency Medical Services Act, Sections 56-1011 through 56-1023, Idaho Code. The Director is authorized under Section 56-1003, Idaho Code, to supervise and administer an emergency medical service program. The Bureau of Emergency Medical Services of the Department of Health and Welfare is responsible under Section 56-1018B, Idaho Code, to administer the Emergency Medical Services Fund III. ()

001. TITLE AND SCOPE.

01. Title. The title of these rules is IDAPA 16.01.04, “Emergency Medical Services (EMS) – Account III Grants.” ()

02. Scope. These rules specify the eligibility criteria, application process, and distribution methodology used by the Department to award grants from this dedicated fund known as the Emergency Medical Services Account III. ()

002. WRITTEN INTERPRETATIONS.

There are no written interpretations for these rules. ()

003. ADMINISTRATIVE APPEALS.

Administrative appeals and contested cases are governed by the provisions of IDAPA 16.05.03, “Rules Governing

Contested Case Proceedings and Declaratory Rulings.” ()

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference in this chapter of rules. ()

005. OFFICE – OFFICE HOURS – MAILING ADDRESS – STREET ADDRESS – TELEPHONE NUMBER – INTERNET WEBSITE.

01. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. ()

02. Mailing Address. The mailing address for the business office is Idaho Department of Health and Welfare, P.O. Box 83720, Boise, ID 83720-0036. ()

03. Street Address. ()

a. The business office of the Idaho Department of Health and Welfare is located at 450 West State Street, Boise, ID 83702. ()

b. The Bureau of Emergency Medical Services and Preparedness is located at 2224 East Old Penitentiary Road, Boise, ID 83712-8249. ()

04. Telephone. ()

a. The telephone number for the Idaho Department of Health and Welfare is (208) 334-5500. ()

b. The telephone number for the Bureau of Emergency Medical Services and Preparedness is (208) 334-4000. The toll-free phone number is 1-877-554-3367. ()

c. The FAX number for the Bureau of Emergency Medical Services and Preparedness is (208) 334-4015. ()

05. Internet Websites. ()

a. The Department internet website is found at <http://www.healthandwelfare.idaho.gov>. ()

b. The Bureau of Emergency Medical Services and Preparedness internet website is found at <http://www.idahoems.org>. ()

06. Email Address. The email address for grants is: emsgrants@dhw.idaho.gov. ()

006. CONFIDENTIALITY OF RECORDS AND PUBLIC RECORDS ACT COMPLIANCE AND REQUESTS.

01. Confidentiality of Records. Any disclosure of confidential information used or disclosed in the course of the Department’s business is subject to the restrictions in state or federal law and must comply with IDAPA 16.05.01, “Use and Disclosure of Department Records.” ()

02. Public Records Act. The Department will comply with Title 74, Chapter 1, Idaho Code, when requests for the examination and copying of public records are made. Unless otherwise exempted, all public records in the custody of the Department are subject to disclosure. ()

007. -- 009. (RESERVED)

010. DEFINITIONS.

For the purposes of these rules the following definitions apply. ()

01. Award. The placement of a grant applicant on a prioritized list indicating the potential for receipt

of grant approval during the current fiscal year. ()

02. Emergency Medical Services Advisory Committee (EMSAC). The statewide advisory board of the Department as described in IDAPA 16.01.01, “Emergency Medical Services (EMS) - Advisory Committee (EMSAC).” EMSAC members are appointed by the Director of the Idaho Department of Health and Welfare to provide counsel to the Department on administering the EMS Act. ()

03. Capital Equipment. Capital equipment refers to durable goods acquired by an entity but not consumed in the normal course of business. ()

04. EMS Account III. A dedicated fund subject to appropriation by the Legislature that is established and defined in Section 56-1018B, Idaho Code. ()

05. EMS Agency. Any organization licensed by the Department under Sections 56-1011 through 56-1023, Idaho Code, and IDAPA 16.01.03, “Emergency Medical Services (EMS) - Agency Licensing Requirements,” that operates an air medical service, ambulance service, or non-transport service. ()

06. EMS Bureau. The Bureau of Emergency Medical Services and Preparedness of the Idaho Department of Health and Welfare. ()

07. Grant. The disbursement of funds from, or capital equipment purchased by, EMS Account III revenue. ()

08. Grant Applicant. An entity submitting documents required by the EMS Bureau for the purposes of acquiring funds or capital equipment from the EMS Account III established by Section 56-1018B, Idaho Code. ()

09. Grant Approval. The disbursement of a grant from EMS Account III to a grant applicant. ()

10. Grant Cycle. The process of grant application distribution, application submission, awards and approval which occur in accordance with dates established in these rules. ()

011. -- 099. (RESERVED)

100. AWARD ELIGIBILITY REQUIREMENTS.

To be considered for an award, a grant applicant must be recognized by the EMS Bureau as one (1) of the following: ()

01. A Currently Licensed EMS Agency. The grant applicant must hold a current Ambulance or Non-Transport License in accordance with IDAPA 16.01.03, “Emergency Medical Services (EMS) -- Agency Licensing Requirements.” ()

02. A Grant Applicant with a Pending Idaho EMS License. Grant approval will not be issued to a grant applicant until an Idaho EMS license has been issued. ()

a. Grant applicants with a pending Idaho EMS license are ineligible if licensure is not achieved by the grant cycle application deadline described in Section 200 of these rules. ()

b. Grant applicants determined to be ineligible for an award due to licensure status may reapply in a subsequent grant cycle. ()

03. A Currently Licensed EMS Agency with a Pending Licensure Change Request. A grant applicant that is a currently licensed EMS agency with a pending change to licensure may receive grant approval for any ambulance or equipment which is necessary for the pending licensure change only if the licensure change is approved by the EMS Bureau. ()

101. -- 199. (RESERVED)

200. GRANT CYCLE.

The following subsections in this rule provide the grant cycle and due dates the EMS Bureau uses to conduct the grant process. ()

01. Application Availability. The EMS Bureau provides an application and guidance document available no later than January 1 of each year, which initiates the grant cycle. The application may be accessed online or requested as provided in Section 005 of these rules. ()

02. Application Period. The grant applicant has through April 1 of the grant cycle to complete and submit the application to the EMS Bureau. The application must be submitted by one (1) of the following methods on or before the due date of the grant cycle: ()

a. Email is the preferred method and must be received by the end of the due day; ()

b. Mail must be post marked by the due day; ()

c. Fax must be received by the end of the due day; or ()

d. In person, by the close of business on the due day. ()

03. Application Evaluation Period. The EMS Bureau and state EMS Advisory Committee evaluates the applications received from eligible grant applicants prior to June 1 of the grant cycle. ()

04. Award Notification. The EMS Bureau issues a notification to every grant applicant regarding the disposition of their grant request prior to July 1 of the grant cycle. ()

05. Grant Approval. Grant disbursements to the grant applicant occur prior to September 1 of the grant cycle. ()

06. Return of Unused Grant Funds. All unused grant funds must be returned to the EMS Account III by the grant applicant no later than June 1 of the next calendar year that ends the grant cycle. ()

201. APPLICATION REQUIRED.

A completed EMS Bureau grant application must be submitted by the grant applicant on or before the conclusion of the application period specified in Section 200 of these rules. ()

01. Required Information. The grant applicant must provide the following information for the application: ()

a. Documentation of one (1) or more vendor price quotes for all capital equipment purchases: ()

i. Contact EMS Bureau for an Agency Vehicle Fleet Report, to update and return with application; ()

ii. If requesting a vehicle, updated fleet information must be submitted on a form provided by the Bureau; ()

iii. If replacing a vehicle, include a copy of the title or registration for the vehicle being replaced; or ()

iv. If requesting extrication equipment, a list of all personnel trained for extrication operations must be included. ()

b. Operating budget; ()

c. All funding sources and revenue generated by source; ()

- d. Contact person for verification of fiscal information; ()
- e. Federal Tax Identification Number; ()
- f. Resident population within the grant applicant’s response area in Idaho; ()
- g. Type, and quantity of EMS Responses and run dispositions occurring during the specified time-period accompanied by supporting documents generated by the agency dispatch computer system or the agency electronic patient care reporting system; ()
- h. Type, quantity, and purpose of similar equipment presently in use by the applicant; ()
- i. Age and condition of equipment being replaced if applicable; ()
- j. Narrative descriptions of need; ()
- k. Prioritization by the grant applicant of equipment requested when the application requests funding for two (2) or more items or groups of identical items; and ()
- l. City or County governmental endorsement. ()

02. Incomplete Application. A grant application that is missing required information is excluded from consideration for an award. ()

03. Application Purpose. The grant application and any attachments submitted by the grant applicant are the primary source of information for awarding a grant. ()

202. -- 299. (RESERVED)

300. AWARD RECOMMENDATION.

IDAPA 16.01.01, “Emergency Medical Services (EMS) -- Advisory Committee (EMSAC),” Section 120, provides that EMSAC is responsible for reviewing and making recommendations to the EMS Bureau regarding the distribution of grant funds. ()

01. Assessment and Validation of Need. The EMSAC must review grant applications prior to EMSAC making a recommendation to the EMS Bureau regarding the distribution of awards. ()

02. Contingency Awards. The EMSAC may make recommendations regarding what awards the EMS Bureau may consider in the event that an award grant application is withdrawn as described in Section 501 of these rules. ()

301. CRITERIA FOR EMS VEHICLES.

The following criteria must be used to evaluate applications for EMS vehicles, with maximum weight available for each criterion as indicated. Greater weight will be assigned to those conditions which indicate greater need for each criterion: ()

01. Applicant Fleet Size. The number and type of vehicles currently in use by the grant applicant; weight = ten (10). The application demonstrating a smaller fleet size will be assigned greater weight. ()

02. Age of Applicant Vehicle(s). The number of years which has elapsed since the vehicle being replaced was originally manufactured or rechassied; weight = fifteen (15). The application demonstrating greater age of vehicle(s) will be assigned greater weight. ()

03. Mileage of Applicant Vehicle(s). The number of miles reflected on the vehicle odometer at the time of application; weight = fifteen (15). The application demonstrating higher mileage of similar vehicles in active use will be assigned greater weight. ()

04. Deployment Ratios. A mathematical comparison of current and post-grant vehicle availability based on the number of similar vehicles divided by the applicant coverage area in square miles and the number of similar vehicles divided by the population; weight = fifteen (15). The application demonstrating a greater change in deployment ratio will be assigned greater weight. ()

05. EMS Response Type. A comparison of pre-hospital EMS Response Types and total EMS Responses; weight = ten (10). The application demonstrating a higher percent of pre-hospital calls will be assigned a greater weight. ()

06. Fiscal Resource Base. The proportion of operating budget supported by public funds; weight = ten (10). The application demonstrating less revenue from public funds expressed as a percent of total revenue for the most recent year will be assigned greater weight. ()

07. Local Government Endorsement. Local government endorsements from Idaho cities and counties within the applicant's primary response area; weight = five (5). Applications submitted with one (1) or more endorsement(s) will be awarded five (5) points. ()

08. Prevalence of Volunteers. The percent of certified personnel identified on the most recent agency license application as volunteer; weight = percent/10. The application demonstrating a greater prevalence of volunteer certified personnel will be assigned greater weight. ()

09. Narrative. The need for and lack of availability of funds from other sources as documented by the grant applicant; weight = ten (10). The application demonstrating a greater need for and lack of available funds will be assigned greater weight. ()

10. Previous Award of Vehicle by EMS Account III Grant. Based on most recent vehicle award applicants will receive points based on elapsed time from most recent vehicle award; weight = five (5). The application declaring a recent vehicle award will be assigned a lesser value. ()

302. CRITERIA FOR OTHER EMS EQUIPMENT.

The following criteria must be used to evaluate grant applications for other EMS equipment, with maximum weight available for each criterion as indicated. Greater weight will be assigned to those conditions which indicate greater need for each criterion: ()

01. Applicant Equipment. The number, type and age of similar equipment currently in use by the grant applicant; weight = fifteen (15). The application demonstrating lack of accessibility to similar equipment will be assigned greater weight. ()

02. Anticipated Use. An estimate of the frequency and patient types for which the equipment may be used based on utilization percentages for the specified period; weight = fifteen (15). The application demonstrating greater anticipated use will be assigned greater weight. ()

03. Duration of Use. An estimate of the length of time the equipment would be used for a patient when indicated, expressed as a mean time; weight = fifteen (15). The application demonstrating a greater duration of use will be assigned greater weight. ()

04. Deployment Ratios. A mathematical comparison of current and post-grant equipment availability based on number of pieces of similar equipment divided by the applicant coverage area in square miles and the number of pieces of similar equipment divided by population; weight = fifteen (15). The application demonstrating a greater change in deployment ratio will be assigned greater weight. ()

05. EMS Response Type. A comparison of pre-hospital EMS Response Types and total EMS Responses; weight = ten (10). The application demonstrating a higher percent of pre-hospital calls will be assigned a greater weight. ()

06. Fiscal Resource Base. The proportion of operating budget supported by public funds; weight = ten (10). The application demonstrating less revenue from public funds expressed as a percent of total revenue for the

most recent year will be assigned greater weight. ()

07. Local Government Endorsement. Local government endorsements from Idaho cities and counties within the applicant’s primary response area; weight = five (5). Applications submitted with one (1) or more endorsement(s) will be awarded five (5) points. ()

08. Prevalence of Volunteers. The percent of certified personnel identified on the most recent agency license application as volunteer; weight = percent/10. The application demonstrating a greater prevalence of volunteer certified personnel will be assigned greater weight. ()

09. Narrative. The need for and lack of availability of funds from other sources as documented by the grant applicant; weight = ten (10). The application demonstrating a greater need for and lack of available funds will be assigned greater weight. ()

303. -- 399. (RESERVED)

400. SECURITY INTEREST.

Each successful grant applicant is required to execute a security agreement as required in Section 56-1018B(2)(e), Idaho Code. The security agreement must be a signed by the person authorizing the grant application. The Department provides a Subgrant and Security Agreement for Vehicle/Equipment for signature. ()

401. -- 499. (RESERVED)

500. UNUSED GRANT FUNDS.

All funds not expended for costs associated with the applicant’s award must be returned to the EMS Account III by June 1 of the grant cycle during which the funds were awarded. ()

501. WITHDRAWAL OF GRANT APPLICATION.

Any grant applicant may withdraw or forfeit a grant application at any time. ()

01. Notification. The EMS Bureau may discontinue the grant award or approval process if either of the following occurs: ()

a. The chief administrative official of the grant applicant agency or his designee submits a notice of withdrawal in written form to the EMS Bureau; or ()

b. The grant applicant does not provide required documentation during the award or approval process. ()

02. No Right of Assignment. The grant applicant may not assign any award. ()

03. Ability to Compete. The withdrawal of a grant application does not affect the grant applicant’s ability to reapply in a subsequent grant cycle. ()

502. FRAUDULENT INFORMATION ON GRANT APPLICATION.

Providing false information on any grant application or document submitted under these rules is grounds for declaring the grant applicant ineligible. Any and all funds determined to have been acquired on the basis of fraudulent information must be returned to the EMS III account. ()

503. -- 999. (RESERVED)