

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.01.01 - EMERGENCY MEDICAL SERVICES (EMS) -- ADVISORY COMMITTEE (EMSAC)

DOCKET NO. 16-0101-1101 (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 Sections 56-1003 and 56-1023, Idaho Code.

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

Tuesday, August 2, 2011 at 6:00 p.m. (Local)	
Central Fire District 697 Annis Hwy. Rigby, ID	Kamiah Emergency Services 515 Main Street Kamiah, ID
Wednesday, August 3, 2011 at 6:00 p.m. (Local)	
Caribou County Fire Station 665 E. 2nd S. Soda Springs, ID	New Meadows Fire Station 200 Hwy. 95 New Meadows, ID
Thursday, August 4, 2011 at 6:00 p.m. (Local)	
Jerome City Fire/Rescue 110 W. Yakima Ave. Jerome, ID	EMS Bureau Conf. Rm. B25 LBJ Office Bldg. 650 W. State St. Boise, ID
Friday, August 5, 2011 at 6 p.m. (Local)	Saturday, August 6, 2011 at 6 p.m. (Local)
Bonner County EMS 521 3rd Ave. Sandpoint, ID	Moscow Fire Station #3 229 Pintail Ln. Moscow, ID

The hearing site(s) 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 current EMS rules establish a statewide EMS Advisory Committee (EMSAC) to provide counsel to the Department in administering the Emergency Medical Services Act (Sections 56-1011 through 56-1023, Idaho Code).

The membership requirements and organizational representation on the EMSAC need to be updated in these rules to reflect the addition of the Idaho Transportation Department. The Department is writing this new chapter to provide the representation on the committee, and the committee's duties and responsibilities.

Under Section 56-1013A, Idaho Code, the Idaho EMS Physician Commission was created and assumed responsibility for the provider scopes of practice from the Board of Medicine. Because of this change, the representation of the Board of Medicine will be removed from the EMS Advisory Committee and replaced with

representation from the Idaho Transportation Department (ITD), Office of Highway Operations and Safety, since the majority of EMS requests for services are related to traffic accidents.

This new chapter of rules will provide the following for EMS Advisory Committee:

1. Establish the required membership and organizational representation, including the addition of the Idaho Transportation Department (ITD), and removal of the Idaho Board of Medicine representation;
2. Provide length of terms of membership;
3. Provide guidelines, duties, and responsibilities of the committee; and
4. Provide definitions and other required sections needed to meet APA requirements for rules.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: NA

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

This rulemaking has no fiscal impact to the state general fund. The Emergency Medical Services (EMS) program is funded through dedicated funds.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was conducted. The "Notice of Intent to Promulgate Rules - Negotiated Rulemaking," was published in the [March 2, 2011, Idaho Administrative Bulletin, Vol. 11-3, pages 14 and 15.](#)

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 Wayne Denny 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 August 12, 2011.

DATED this 3rd day of June, 2011.

Tamara Prisock
DHW - Administrative Procedures Section
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
phone: (208) 334-5564; fax: (208) 334-6558
e-mail: dhwrules@dhw.idaho.gov

THE FOLLOWING IS THE TEXT OF THE PROPOSED RULE FOR DOCKET NO. 16-0101-1101

IDAPA 16, TITLE 01, CHAPTER 01

16.01.01 - EMERGENCY MEDICAL SERVICES (EMS) -- ADVISORY COMMITTEE (EMSAC)

000. LEGAL AUTHORITY.

The Idaho Board of Health and Welfare is authorized under Section 56-1023, Idaho Code, to adopt rules concerning the administration of the Idaho Emergency Medical Services Act. The Director is authorized under Section 56-1003, Idaho Code, to supervise and administer an emergency medical service program. ()

001. TITLE AND SCOPE.

01. Title. The title of these rules is IDAPA 16.01.01, "Emergency Medical Services (EMS) -- Advisory Committee (EMSAC)." ()

02. Scope. These rules define the membership duties and responsibilities of the Emergency Medical Services Advisory Committee. ()

002. WRITTEN INTERPRETATIONS.

There are no written interpretations for these rules. ()

003. ADMINISTRATIVE APPEALS.

All 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 into 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, Idaho 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, Idaho 83702. ()

b. The EMS Bureau is located at 650 W. State Street, Suite B-17, Boise, Idaho 83702. ()

04. Telephone. ()

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

b. The telephone number for the EMS Bureau is (208) 334-4000. The toll-free, phone number is 1-877-554-3367. ()

05. Internet Websites. ()

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

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

006. CONFIDENTIALITY OF RECORDS AND PUBLIC RECORDS ACT REQUESTS.

01. Confidentiality of Records. Any information about an individual covered by these rules and contained in the Department's records must comply with IDAPA 16.05.01, "Use and Disclosure of Department

Records.” ()

02. Public Records Act. The Department will comply with Sections 9-337 through 9-350, 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 AND ABBREVIATIONS.

For the purposes of this chapter of rules the following terms apply: ()

01. Emergency Medical Services Advisory Committee (EMSAC). The statewide advisory board of the EMS Bureau whose 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. ()

02. Third Service. An EMS agency that is neither fire- nor law enforcement-based. ()

011. -- 099. (RESERVED)

**STATEWIDE EMS ADVISORY COMMITTEE
(Sections 100 through 130)**

100. APPOINTMENT OF EMS ADVISORY COMMITTEE AND TERMS OF SERVICE.

The Director will appoint a Statewide EMS Advisory Committee to provide counsel to the Department in administering the EMS Act. The Committee members will have a normal tenure of three (3) years after which time they may be excused or reappointed. However, in order to afford continuity, initial appointments will be made to one-third (1/3) of the membership for two (2) years, one-third (1/3) for three (3) years, and one-third (1/3) of the membership for four (4) years. The Committee chairman will be selected by the State Health Officer. ()

101. -- 109. (RESERVED)

110. EMS ADVISORY COMMITTEE MEMBERSHIP.

The Statewide EMS Advisory Committee must include the following representatives: ()

01. Idaho Transportation Department. One (1) representative recommended by the Idaho Transportation Department, Office of Highway Operations and Safety. ()

02. American College of Emergency Physicians (ACEP). One (1) representative recommended by the Idaho Chapter of American College of Emergency Physicians (ACEP). ()

03. American College of Surgeons. One (1) representative recommended by the Committee on Trauma of the Idaho Chapter of the American College of Surgeons. ()

04. Idaho Board of Nursing. One (1) representative recommended by the Idaho Board of Nursing. ()

05. Idaho Medical Association. One (1) representative recommended by the Idaho Medical Association. ()

06. Idaho Hospital Association. One (1) representative recommended by the Idaho Hospital Association. ()

07. Idaho Association of Counties. One (1) representative of local government recommended by the Idaho Association of Counties. ()

08. Career Third Service EMS/Ambulance Service. One (1) representative of a Career Third Service

EMS/Ambulance Service. ()

09. Volunteer Third Service EMS/Ambulance Service. One (1) representative of a volunteer third service EMS/ambulance service. ()

10. Third Service Nontransport EMS Service. One (1) representative of a third service nontransport EMS service. ()

11. Idaho Fire Chiefs Association. One (1) representative of a fire department-based EMS/ambulance service recommended by the Idaho Fire Chiefs Association. ()

12. Fire Department-Based Nontransport EMS Service. One (1) representative of a fire department-based nontransport EMS service. ()

13. Air Medical Service. One (1) representative of an air medical service. ()

14. Emergency Medical Technician. One (1) Emergency Medical Technician who represents the interests of Idaho personnel licensed at that level. ()

15. Advanced Emergency Medical Technician. One (1) Advanced Emergency Medical Technician who represents the interests of Idaho personnel licensed at that level. ()

16. Paramedic. One (1) paramedic who represents the interests of Idaho personnel licensed at that level. ()

17. Administrative County EMS Director. One (1) representative who is an Administrative County EMS Director. ()

18. EMS Instructor. One (1) EMS instructor who represents the interests of Idaho EMS educators and evaluators. ()

19. Consumer. One (1) Idaho citizen with experience involving EMS; ()

20. Private EMS Ambulance Service. One (1) representative of a private EMS ambulance service. ()

21. American Academy of Pediatrics. One (1) pediatrician who represents the interests of children in the EMS system recommended by the Idaho Chapter of the American Academy of Pediatrics. ()

22. Pediatric Emergency Medicine Physician. One (1) board-certified, or equivalent, Pediatric Emergency Medicine Physician. ()

111. -- 119. (RESERVED)

120. RESPONSIBILITIES OF THE EMS ADVISORY COMMITTEE.

The EMS Advisory Committee will meet at least annually, or as needed, for the purposes of: ()

01. Reviewing Policies and Procedures. Reviewing policies and procedures for provision of emergency medical services and recommending same to the EMS Bureau; ()

02. Establishing Standard Protocols for EMS Personnel to Respond to Advance DNR Directives. The protocols will be reviewed at least annually to determine if changes in protocol need to be made in order to reflect technological advances. ()

03. Reviewing Educational Curricula and Standards. Reviewing EMS education curricula, education standards, and examination processes and recommending same to the EMS Bureau. ()

04. Personnel Licensing Policies and Standards. Making recommendations to the EMS Bureau regarding implementation of personnel licensing policy and standards. ()

05. Reviewing Grant Applications. Reviewing grant applications and making recommendations for eligibility and awards for the dedicated grant funds program in accordance with IDAPA 16.02.04, "Rules Governing Emergency Medical Services Account III Grants," Section 300. ()

06. Ambulance and Nontransport Services. Reviewing and making recommendations on the licensing of ambulance and of nontransport services in Idaho. ()

121. -- 999. (RESERVED)