IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE 16.01.02 - EMERGENCY MEDICAL SERVICES (EMS) - RULE DEFINITIONS DOCKET NO. 16-0102-1301 (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 56-1011 through 56-1023, Idaho Code.

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

Thursday, August 22, 2013	Monday, August 26, 2013	Wednesday, August 28, 2013
6:00 p.m 7:00 p.m.	3:30 p.m 4:30 p.m.	6:00 p.m 7:00 p.m.
Coeur d'Alene Public Library	EMS Bureau	Fire Station #2
Community Room	Conference Room	Training Room
702 E. Front Ave.	650 W. State St. B-25	1539 N Hayes
Coeur d'Alene, ID 83814	Boise, ID 83702	Pocatello, ID 83204

The hearing sites 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:

Over the past several years, meetings have been held to negotiate and discuss the rewrite and update of the Emergency Medical Services chapters of rules. This new chapter of rules is needed to align definitions for all EMS chapters of rule in order to meet the ever-changing terminology and technology used to protect the health and safety of the public in emergency situations. This new chapter will ensure that EMS chapters that are being implemented or updated will use the same definitions and keep other EMS chapters with current and consistent terminology to avoid confusion, and ensure compliance with licensing requirements.

This new chapter of rules provides the following:

- 1. Definitions for the EMS chapters of rules;
- 2. Authority, scope, and references to the EMS chapters to which these rules apply; and
- 3. Required sections to meet the requirements of the rules of the Office of the Administrative Rules Coordinator.

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

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.

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 in the April 3, 2013, **Vol. 13-4, page 13 and 14**, and May 1, 2013, **Vol. 13-5, page 75 and 76**, Idaho Administrative Bulletins, under Docket No. 16-0203-1301, for "Emergency Medical Services."

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 Chris Stoker 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 28, 2013.

DATED this 1st day of July, 2013.

Tamara Prisock DHW - Administrative Rules Unit 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. 16-0102-1301

IDAPA 16 TITLE 01 CHAPTER 02

16.01.02 - EMERGENCY MEDICAL SERVICES (EMS) - RULE DEFINITIONS

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 services program. ()

001. TITLE AND SCOPE.

01. Title. The title of these rules is IDAPA 16.01.02, "Emergency Medical Services (EMS) - Rule ()

02. Scope. These rules contain the definitions used throughout the Emergency Medical Services chapters of rules adopted by the Department. Those chapters include: ()

a. IDAPA 16.01.01, "Emergency Medical Services (EMS) - Advisory Committee (EMSAC)"; ()

b. IDAPA 16.01.03, "Emergency Medical Services (EMS) - Agency Licensing Requirements";()

c. IDAPA 16.01.07, "Emergency Medical Services (EMS) - Personnel Licensing Requirements";

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d. IDAPA 16.01.12, "Emergency Medical Services (EMS) - Complaints, Investigations and Disciplinary Actions"; and

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e	IDAPA 16.02.03, "Emergency Medical Services."	()
In accorda	RITTEN INTERPRETATIONS. ce with Section 67-5201(19)(b)(iv), Idaho Code, the Department may have written statements th oretation of this chapter.	1at per (tain)
Administ	DMINISTRATIVE APPEALS. tive appeals and contested cases are governed by the provisions of IDAPA 16.05.03, "Rules C case Proceedings and Declaratory Rulings."	Goverr (uing)
	CORPORATION BY REFERENCE. o documents incorporated by reference in this chapter of rules.	()
	FFICE OFFICE HOURS MAILING ADDRESS STREET ADDRESS TELI INTERNET WEBSITE.	ЕРНО	NE
(holidays c	• Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Frida signated by the state of Idaho.	ay, exo (cept)
(Welfare, I	Mailing Address . The mailing address for the business office is Idaho Department of H D. Box 83720, Boise, Idaho 83720-0036.	Iealth (and)
(. Street Address.	()
a Street, Bo	The business office of the Idaho Department of Health and Welfare is located at 450 V e, Idaho 83702.	Vest S	tate)
h Suite B-1	The Bureau of Emergency Medical Services and Preparedness is located at 650 W. Sta Boise, Idaho 83702.	ate Str (eet,)
(. Telephone.	()
8	The telephone number for the Idaho Department of Health and Welfare is (208) 334-5500). ()
k 334-4000	The telephone number for the Bureau of Emergency Medical Services and Preparednes The toll-free phone number is 1-877-554-3367.	s is (2 (:08))
0	. Internet Websites.	()
8	The Department internet website is found at http://www.healthandwelfare.idaho.gov.	()
ł www.idah	The Bureau of Emergency Medical Services and Preparedness internet website is found ems.org.	l at htt	t p://)
006. (REQUES	ONFIDENTIALITY OF RECORDS AND PUBLIC RECORDS ACT COMPLIANO 'S.	CE A	ND
0 course of 16.05.01,	Confidentiality of Records. Any disclosure of confidential information used or disclosure Department's business is subject to the restrictions in state or federal law, federal regulation, ar Use and Disclosure of Department Records."	sed in nd IDA (the APA)

02. Public Records Act. The Department will comply with Sections 9-337 through 9-350, Idaho Code, when request 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)

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010. DEFINITIONS AND ABBREVIATIONS A THROUGH B.

For the purposes of the Emergency Medical Services (EMS) chapters of rules, the following definitions apply:()

01. Advanced Emergency Medical Technician (AEMT). An AEMT is a person who: ()

a. Has met the qualifications for licensure under Sections 56-1011 through 56-1023, Idaho Code, and IDAPA 16.01.07, "Emergency Medical Services (EMS) - Personnel Licensing Requirements"; ()

b. Is licensed by the Department under Sections 56-1011 through 56-1023, Idaho Code; ()

c. Carries out the practice of emergency medical care within the scope of practice for AEMT determined by the Idaho Emergency Medical Services Physicians Commission (EMSPC), under IDAPA 16.02.02, "Rules of the Idaho Emergency Medical Services (EMS) Physicians Commission": and ()

d. Practices under the supervision of a physician licensed in Idaho. ()

02. Advanced Life Support (ALS). The provision of medical care, medication administration and treatment with medical devices that correspond to the knowledge and skill objectives in the Paramedic curriculum currently approved by the State Health Officer and within the scope of practice defined in IDAPA 16.02.02, "Rules of the Idaho Emergency Medical Services (EMS) Physician Commission," by persons licensed as Paramedics by the Department.

03. Advanced Practice Professional Nurse. A person who meets all the applicable requirements and is licensed to practice as an Advanced Practice Professional Nurse under Sections 54-1401 through 54-1418, Idaho Code.

04. Advertise. Communication of information to the public, institutions, or to any person concerned, by any oral, written, graphic means including handbills, newspapers, television, radio, telephone directories, billboards, or electronic communication methods.

05. Affiliation. The formal association that exists between an agency and those licensed personnel who appear on the agency's roster, which includes active participation, collaboration, and involvement. Affiliation can be demonstrated by the credentialing of licensed personnel by the agency medical director. ()

06. Affiliating EMS Agency. The licensed EMS agency, or agencies, under which licensed personnel are authorized to provide patient care. ()

07. Air Ambulance. Any privately or publicly owned fixed wing aircraft or rotary wing aircraft used for, or intended to be used for, the transportation of persons experiencing physiological or psychological illness or injury who may need medical attention during transport. This may include dual or multipurpose vehicles which otherwise comply with Sections 56-1011 through 56-1023, Idaho Code, and specifications established in IDAPA 16.01.03, "Emergency Medical Services (EMS) - Agency Licensing Requirements." ()

08. Air Medical Agency. An agency licensed by the Department that responds to requests for patient care and transportation from hospitals and EMS agencies using a fixed wing aircraft or rotary wing aircraft. ()

09. Air Medical I. A service type available to a licensed air medical EMS agency that meets the requirements in IDAPA 16.01.03, "Emergency Medical Services (EMS) - Agency Licensing Requirements." ()

10. Air Medical II. A service type available to a licensed air medical EMS agency that meets the requirements in IDAPA 16.01.03, "Emergency Medical Services (EMS) - Agency Licensing Requirements." ()

11. Air Medical Response. The deployment of an aircraft licensed as an air ambulance to an emergency scene intended for the purpose of patient treatment and transportation. ()

12. Ambulance. Any privately or publicly owned motor vehicle, or nautical vessel, used for, or intended to be used for, the transportation of sick or injured persons who may need medical attention during transport.

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This may include dual or multipurpose vehicles which otherwise comply with Sections 56-1011 through 56-1023, Idaho Code, and specifications established in IDAPA 16.01.03, "Emergency Medical Services (EMS) - Agency Licensing Requirements."

13. Ambulance-Based Clinicians. Licensed Professional Nurses and Advanced Practice Professional Nurses who are currently licensed under Sections 54-1401 through 54-1418, Idaho Code, and Physician Assistants who are currently licensed under Sections 54-1801 through 54-1841, Idaho Code. ()

14. Ambulance Agency. An agency 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," operated with the intent to provide personnel and equipment for medical treatment at an emergency scene, during transportation or during transfer of persons experiencing physiological or psychological illness or injury who may need medical attention during transport. ()

15. Applicant. Any organization that is requesting an agency license under Sections 56-1011 through 56-1023, Idaho Code, and IDAPA 16.01.03, "Emergency Medical Services (EMS) - Agency Licensing Requirements," including the following: ()

a.	An organization seeking a new license;	()
b.	An existing agency that intends to:	()
i.	Change the level of licensed personnel it utilizes;	()
ii.	Change its geographic coverage area (except by agency annexation); or	()
iii.	Begin or discontinue providing patient transport services.	()

16. Assessment. The evaluation of a patient by EMS licensed personnel intending to provide treatment or transportation to that patient.

17. Basic Life Support (BLS). The provision of medical care, medication administration, and treatment with medical devices which correspond to the knowledge and skill objectives in the EMR or EMT curriculum currently approved by the State Health Officer and within scope of practice defined in IDAPA 16.02.02, "Rules of the Idaho Emergency Medical Services (EMS) Physician Commission," by persons licensed as EMRs or EMTs by the Department.

18. Board. The Idaho Board of Health and Welfare.

011. DEFINITIONS AND ABBREVIATIONS C THROUGH E.

For the purposes of the Emergency Medical Services (EMS) chapters of rules, the following definitions apply:()

01. Call Volume. The number of requests for service that an agency either anticipated or responded to during a designated period of time.

02. Candidate. Any individual who is requesting an EMS personnel license under Sections 56-1011 through 56-1023, Idaho Code, IDAPA 16.01.07, "Emergency Medical Services (EMS) - Personnel Licensing Requirements."

03. Certificate of Eligibility. Documentation that an individual is eligible for affiliation with an EMS agency, having satisfied all requirements for an EMS Personnel Licensure except for affiliation, but is not licensed to practice.

04. Certification. A credential issued to an individual by the Department for a specified period of time indicating that minimum standards have been met.

05. Certified EMS Instructor. An individual approved by the Department, who has met the

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requirements in IDAPA 16.02.03, "Emergency Medical Services," to provide EMS education and training. ()

06. Compensated Volunteer. An individual who performs a service without promise, expectation, or receipt of compensation other than payment of expenses, reasonable benefits or a nominal fee to perform such services. This individual cannot be a part-time or full-time employee of the same organization performing the same services as a volunteer and employee.

07. Credentialing. The local process by which licensed EMS personnel are authorized to provide medical care in the out-of-hospital, hospital, and medical clinic setting, including the determination of a local scope of practice.

08. Credentialed EMS Personnel. Individuals who are authorized to provide medical care by the EMS medical director, hospital supervising physician, or medical clinic supervising physician.

09. Critical Care. The treatment of a patient with continuous care, monitoring, medication or procedures requiring knowledge or skills not contained within the Paramedic curriculum approved by the State Health Officer. Interventions provided by Paramedics are governed by the scope of practice defined in IDAPA 16.02.02, "Rules of the Idaho Emergency Medical Services (EMS) Physicians Commission."

10. Critical Care Agency. An ambulance or air medical EMS agency that advertises and provides all of the skills and interventions defined as critical care in IDAPA 16.02.02, "Rules of the Idaho Emergency Medical Services (EMS) Physician Commission."

11.	Department. The Idaho Department of Health and Welfare.	()
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12. Director. The Director of the Idaho Department of Health and Welfare or his designee. ()

13. Division. The Division of Public Health, Idaho Department of Health and Welfare. ()

14. Emergency. A medical condition, the onset of which is sudden, that manifests itself by symptoms of sufficient severity, including severe pain, that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in placing the person's health in serious jeopardy, or in causing serious impairments of bodily function or serious dysfunction of any bodily organ or part.

15. Emergency Medical Care. The care provided to a person suffering from a medical condition, the onset of which is sudden, that manifests itself by symptoms of sufficient severity, including severe pain, that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in placing the person's health in serious jeopardy, or in causing serious impairments of bodily function or serious dysfunction of any bodily organ or part. ()

16. Emergency Medical Responder (EMR). An EMR is a person who: ()

a. Has met the qualifications for licensure in Sections 56-1011 through 56-1023, Idaho Code, and IDAPA 16.01.07, "Emergency Medical Services - Personnel Licensing Requirements"; ()

b. Is licensed by the Department under Sections 56-1011 through 56-1023, Idaho Code; ()

c. Carries out the practice of emergency medical care within the scope of practice for EMR determined by the Idaho Emergency Medical Services Physicians Commission (EMSPC), under IDAPA 16.02.02, "Rules of the Idaho Emergency Medical Services (EMS) Physicians Commission;" and ()

d. Practices under the supervision of a physician licensed in Idaho. ()

17. Emergency Medical Services (EMS). The system utilized in responding to a perceived individual need for immediate care in order to prevent loss of life, aggravation of physiological or psychological illness, or injury.

18. 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. ()

19. 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. ()

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

21. EMS Medical Director. A physician who supervises the medical activities of licensed personnel affiliated with an EMS agency.

22. EMS Physicians Commission (EMSPC). The Idaho Emergency Medical Services Physician Commission created under Section 56-1013A, Idaho Code, also referred to as "the Commission." ()

23. Emergency Medical Technician (EMT). An EMT is a person who: ()

a. Has met the qualifications for licensure in Sections 56-1011 through 56-1023, Idaho Code, and IDAPA 16.01.07, "Emergency Medical Services - Personnel Licensing Requirements"; ()

b. Is licensed by the EMS Bureau under Sections 56-1011 through 56-1023, Idaho Code; ()

c. Carries out the practice of emergency medical care within the scope of practice for EMT determined by the Idaho Emergency Medical Services Physicians Commission (EMSPC), under IDAPA 16.02.02, "Rules of the Idaho Emergency Medical Services (EMS) Physicians Commission;" and ()

d. Practices under the supervision of a physician licensed in Idaho. ()

24. Emergency Scene. Any setting outside of a hospital, with the exception of the inter-facility transfer, in which the provision of EMS may take place.

012. DEFINITIONS AND ABBREVIATIONS F THROUGH N.

For the purposes of the Emergency Medical Services (EMS) chapters of rules, the following definitions apply:()

01. Full-Time Paid Personnel. Personnel who perform a service with the promise, expectation, or receipt of compensation for performing such services. Full-time personnel differ from part-time personnel in that full-time personnel work a more regular schedule and typically work more than thirty-five (35) hours per week. ()

02. Glasgow Coma Score (GCS). A scale used to determine a patient's level of consciousness. It is a rating from three (3) to fifteen (15) of the patient's ability to open his eyes, respond verbally, and move normally. The GCS is used primarily during the examination of patients with trauma or stroke. ()

03. Ground Transport Time. The total elapsed time calculated from departure of the ambulance from the scene to arrival of the ambulance at the patient destination. ()

04. Hospital. A facility in Idaho licensed under Sections 39-1301 through 39-1314, Idaho Code, and defined in Section 39-1301(a)(1), Idaho Code.

05. Intermediate Life Support (ILS). The provision of medical care, medication administration, and treatment with medical devices which correspond to the knowledge and skill objectives in the AEMT curriculum currently approved by the State Health Officer and within the scope of practice defined in IDAPA 16.02.02, "Rules of the Idaho Emergency Medical Services (EMS) Physician Commission,", by persons licensed as AEMTs by the Department.

06. Investigation. Research of the facts concerning a complaint or issue of non-compliance which may include performing or obtaining interviews, inspections, document review, detailed subject history, phone calls, witness statements, other evidence and collaboration with other jurisdictions of authority. ()

07. License. A document issued by the Department to an agency or individual authorizing specified activities and conditions as described under Sections 56-1011 through 56-1023, Idaho Code.

08. Licensed Personnel. Those individuals who are licensed by the Department as Emergency Medical Responders (EMR), Emergency Medical Technicians (EMT), Advanced Emergency Medical Technicians (AEMT), and Paramedics.

09. Licensed Professional Nurse. A person who meets all the applicable requirements and is licensed to practice as a Licensed Professional Nurse under Sections 54-1401 through 54-1418, Idaho Code.

10. Local Incident Management System. The local system of interagency communications, command, and control established to manage emergencies or demonstrate compliance with the National Incident Management System.

11. Medical Supervision Plan. The written document describing the provisions for medical supervision of licensed EMS personnel.

12. National Registry of Emergency Medical Technicians (NREMT). An independent, nongovernmental, not for profit organization which prepares validated examinations for the state's use in evaluating candidates for licensure.

13. Non-transport Agency. An agency licensed by the Department, operated with the intent to provide personnel or equipment for medical stabilization at an emergency scene, but not intended to be the service that will actually transport sick or injured persons.

14. Non-transport Vehicle. Any vehicle operated by an agency with the intent to provide personnel or equipment for medical stabilization at an emergency scene, but not intended as the vehicle that will actually transport sick or injured persons.

15. Nurse Practitioner. An Advanced Practice Professional Nurse, licensed in the category of Nurse Practitioner, as defined in IDAPA 23.01.01, "Rules of the Idaho Board of Nursing." ()

013. DEFINITIONS AND ABBREVIATIONS O THROUGH Z.

For the purposes of the Emergency Medical Services (EMS) chapters of rules, the following definitions apply:()

01. Out-of-Hospital. Any setting outside of a hospital, including inter-facility transfers, in which the provision of EMS may take place.

02. Paramedic. A paramedic is a person who:

a. Has met the qualifications for licensure in Sections 56-1011 through 56-1023, Idaho Code, and IDAPA 16.01.07, "Emergency Medical Services - Personnel Licensing Requirements"; ()

b. Is licensed by the EMS Bureau under Sections 56-1011 through 56-1023, Idaho Code; ()

c. Carries out the practice of emergency medical care within the scope of practice for paramedic determined by the Idaho Emergency Medical Services Physicians Commission (EMSPC), under IDAPA 16.02.02, "Rules of the Idaho Emergency Medical Services (EMS) Physicians Commission;" and

d. Practices under the supervision of a physician licensed in Idaho. ()

03. Part-Time Paid Personnel. Personnel who perform a service with the promise, expectation, or

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receipt of compensation for performing such services. Part-time personnel differ from the full-time personnel in that the part-time personnel typically work an irregular schedule and work less than thirty-five (35) hours per week. 04. Patient. A sick, injured, incapacitated, or helpless person who is under medical care or treatment.) 05. **Patient Assessment**. The evaluation of a patient by EMS licensed personnel intending to provide treatment or transportation to that patient. Patient Care. The performance of acts or procedures under emergency conditions in responding to 06. a perceived individual need for immediate care in order to prevent loss of life, aggravation of physiological or psychological illness, or injury. Patient Movement. The relatively short distance transportation of a patient from an off-highway 07. emergency scene to a rendezvous with an ambulance or air ambulance. Patient Transport. The transportation of a patient by ambulance or air ambulance from a rendezvous or emergency scene to a medical care facility.) 09. Physician. A person who holds a current active license in accordance with Section 54-1803, Idaho Code, issued by the State Board of Medicine to practice medicine and surgery, osteopathic medicine and surgery, or osteopathic medicine in Idaho and is in good standing with no restrictions upon, or actions taken against, his license. 10. **Physician Assistant.** A person who meets all the applicable requirements and is licensed to practice as a licensed physician assistant under Title 54, Chapter 18, Idaho Code.) Planned Deployment. The deliberate, planned placement of EMS personnel outside of an affiliating agency's deployment model declared on the application under which the agency is currently licensed.) **Prehospital.** Any setting outside of a hospital, with the exception of transfers, in which the 12. provision of EMS may take place. **Response Time**. The total time elapsed from when the agency receives a call for service to when 13. the agency arrives and is available at the scene.) Skills Proficiency. The process overseen by an EMS agency medical director to verify competency 14. in psychomotor skills. 15. **State Health Officer**. The Administrator of the Division of Public Health.) 16. Supervision. The medical direction by a licensed physician of activities provided by licensed personnel affiliated with a licensed ambulance, air medical, or non-transport service, including:) a. Establishing standing orders and protocols;) b. Reviewing performance of licensed personnel;) Providing instructions for patient care via radio or telephone; and c.) d. Other oversight.) Third Service. A public EMS agency that is neither law-enforcement nor fire-department based. 17.)

18. Transfer. The transportation of a patient from one (1) medical care facility to another. ()

19. Uncompensated Volunteer. An individual who performs a service without promise, expectation, or receipt of any compensation for the services rendered. An uncompensated volunteer cannot be a part-time or full-time employee of the same organization performing the same services as a volunteer and employee. ()

014. -- 999. (RESERVED)