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**IDAPA 16
TITLE 02
CHAPTER 02**

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.02.02 - RULES OF THE IDAHO EMERGENCY MEDICAL SERVICES PHYSICIAN COMMISSION

000. LEGAL AUTHORITY.

Under Sections 56-1013A and 56-1017, Idaho Code, the Idaho Emergency Medical Services (EMS) Physician Commission is authorized to promulgate these rules for the purpose of establishing standards for scope of practice and medical supervision for certified personnel, ambulance services, and non-transport agencies licensed by the Department of Health and Welfare. (4-2-08)

001. TITLE AND SCOPE.

01. Title. The title of these rules is IDAPA 16.02.02, "Rules of the Idaho Emergency Medical Services (EMS) Physician Commission." (4-2-08)

02. Scope. The scope of these rules is to define the allowable scope of practice, acts, and duties that can be performed by persons certified as emergency medical services personnel by the Department of Health and Welfare Emergency Medical Services (EMS) Bureau and to define the required level of supervision by a physician. (4-2-08)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (4-2-08)

003. ADMINISTRATIVE APPEALS AND INVESTIGATIONS.

01. Administrative Appeals. Provisions of IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings," govern administrative appeals. (4-2-08)

02. Physician Complaint Investigations. The provisions of the rules of the Board of Medicine, IDAPA 22.01.14, "Rules Relating to Complaint Investigation," govern investigation of complaints regarding physicians. (4-2-08)

03. EMS Personnel and EMS Agency Complaint Investigations. The provisions of IDAPA 16.02.03, "Rules Governing Emergency Medical Services," govern investigation of complaints regarding certified EMS personnel and EMS Agencies. (4-2-08)

004. INCORPORATION BY REFERENCE.

The Idaho Emergency Medical Services (EMS) Physician Commission has adopted the Idaho Emergency Medical Services (EMS) Physician Commission Standards Manual, edition 2009-1, and hereby incorporates this Standards Manual by reference. Copies of the manual may be obtained from the EMS Bureau located at 650 W. State Street, Suite B-17, Boise, Idaho, 83702, whose mailing address is P.O. Box 83720, Boise, Idaho 83720-0036. (5-1-09)T

005. OFFICE HOURS -- MAILING ADDRESS -- STREET ADDRESS - TELEPHONE -- WEBSITE.

The Idaho Emergency Medical Services (EMS) Physician Commission is administered by the EMS Bureau central office located in Boise, Idaho. (4-2-08)

01. Office Hours. Office hours of the Idaho Department of Health and Welfare, and the EMS Bureau are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (4-2-08)

02. Mailing Address. (4-2-08)

a. The mailing address for the business office is: EMS Bureau, P.O. Box 83720, Boise, Idaho 83720-

0036. (4-2-08)

b. The mailing address for the Idaho EMS Physician Commission, unless otherwise indicated, is: Idaho EMS Physician Commission, P.O. Box 83720, Boise, Idaho 83720-0036. (4-2-08)

03. Street Address. (4-2-08)

a. The business office of the Idaho Department of Health and Welfare is located at 450 West State Street, Boise, Idaho 83702. (4-2-08)

b. The central office of the Idaho EMS Bureau is located at 650 West State Street, Suite B-17, Boise, Idaho 83702. (4-2-08)

04. Telephone and Facsimile. (4-2-08)

a. The telephone number for the Idaho Department of Health and Welfare is (208) 334-5500. (4-2-08)

b. The telephone number for the Idaho EMS Physician Commission and the Idaho EMS Bureau is (208) 334-4000. (4-2-08)

c. The fax number for the Idaho EMS Physician Commission and the Idaho EMS Bureau is (208) 334-4015. (4-2-08)

05. Internet Website. (4-2-08)

a. The Department's internet website is found at: <http://www.healthandwelfare.idaho.gov>. (4-2-08)

b. The Idaho EMS Physician Commission and the Idaho EMS Bureau website is found at: <http://www.emspc.dhw.idaho.gov>. (4-2-08)

006. CONFIDENTIALITY OF RECORDS AND PUBLIC RECORDS REQUESTS.

01. Confidential 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." (4-2-08)

02. Public Records. 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. (4-2-08)

03. EMS Complaints. The provisions of IDAPA 16.02.03, "Rules Governing Emergency Medical Services," govern the confidentiality of the investigation of complaints regarding certified EMS personnel. (4-2-08)

007. -- 009. (RESERVED).

010. DEFINITIONS.

In addition to the applicable definitions in Section 56-1012, Idaho Code, and IDAPA 16.02.03, "Rules Governing Emergency Medical Services," the following terms are used in this chapter as defined below: (4-2-08)

01. Certification. A license issued by the EMS Bureau to an individual for a specified period of time indicating that minimum standards corresponding to one (1) of several levels of EMS proficiency have been met. (4-2-08)

02. Certified EMS Personnel. Individuals who possess a valid certification issued by the EMS Bureau. (4-2-08)

03. Credentialed EMS Personnel. Individuals who are authorized to provide medical care by the

EMS medical director, hospital supervising physician, or medical clinic supervising physician. (4-2-08)

04. Credentialing. The local process by which certified 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. (4-2-08)

05. Designated Clinician. A licensed Physician Assistant (PA) or Nurse Practitioner designated by the EMS medical director, hospital supervising physician, or medical clinic supervising physician who is responsible for direct (on-line) medical supervision of certified EMS personnel in the temporary absence of the EMS medical director. (4-2-08)

06. Direct (On-Line) Supervision. Contemporaneous instructions and directives about a specific patient encounter provided by a physician or designated clinician to certified EMS personnel who are providing medical care. (4-2-08)

07. Emergency Medical Services (EMS). The services utilized in responding to a perceived individual need for immediate care in order to prevent loss of life or aggravation of physiological or psychological illness or injury. (4-2-08)

08. Emergency Medical Services (EMS) Bureau. The Emergency Medical Services (EMS) Bureau of the Idaho Department of Health and Welfare. (4-2-08)

09. Emergency Medical Services (EMS) Physician Commission. The Idaho Emergency Medical Services Physician Commission as created under Section 56-1013A, Idaho Code, hereafter referred to as "the Commission." (4-2-08)

10. EMS Agency. An organization licensed by the EMS Bureau to provide emergency medical services in Idaho. (4-2-08)

11. EMS Medical Director. A physician who supervises the medical activities of certified personnel affiliated with an EMS agency. (4-2-08)

12. 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. (4-2-08)

13. Hospital Supervising Physician. A physician who supervises the medical activities of certified EMS personnel while employed or utilized for delivery of services in a hospital. (4-2-08)

14. Indirect (Off-Line) Supervision. The medical supervision, provided by a physician, to certified EMS personnel who are providing medical care including EMS system design, education, quality management, patient care guidelines, medical policies, and compliance. (4-2-08)

15. Medical Clinic. A place devoted primarily to the maintenance and operation of facilities for outpatient medical, surgical, and emergency care of acute and chronic conditions or injury. (4-2-08)

16. Medical Clinic Supervising Physician. A physician who supervises the medical activities of certified EMS personnel while employed or utilized for delivery of services in a medical clinic. (4-2-08)

17. Medical Supervision. The advice and direction provided by a physician, or under the direction of a physician, to certified EMS personnel who are providing medical care, including direct and indirect supervision. (4-2-08)

18. Medical Supervision Plan. The written document describing the provisions for medical supervision of certified EMS personnel. (4-2-08)

19. 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." (4-2-08)

20. Out-of-Hospital. Any setting outside of a hospital, including inter-facility transfers, in which the provision of emergency medical services may take place. (4-2-08)

21. Physician. A person who holds a current active license issued by the Board of Medicine to practice medicine and surgery or osteopathic medicine or surgery in Idaho and is in good standing with no restriction upon, or actions taken against, his license. (4-2-08)

22. Physician Assistant. A person who meets all the applicable requirements to practice as a licensed physician assistant under Title 54, Chapter 18, Idaho Code, and IDAPA 22.01.03, "Rules for the Licensure of Physician Assistants." (4-2-08)

011. -- 094. (RESERVED).

095. GENERAL PROVISIONS.

01. Practice of Medicine. This chapter does not authorize the practice of medicine or any of its branches by a person not licensed to do so by the Board of Medicine. (4-2-08)

02. Patient Consent. The provision or refusal of consent for individuals receiving emergency medical services is governed by Title 39, Chapter 43, Idaho Code. (4-2-08)

03. System Consistency. All EMS medical directors, hospital supervising physicians, and medical clinic supervising physicians must collaborate to ensure EMS agencies and certified EMS personnel have protocols, policies, standards of care, and procedures that are consistent and compatible with one another. (4-2-08)

096. -- 099. (RESERVED).

100. GENERAL DUTIES OF EMS PERSONNEL.

01. General Duties. General duties of EMS personnel include the following: (4-2-08)

a. Certified EMS personnel must possess valid certification issued by the EMS Bureau equivalent to or higher than the scope of practice authorized by the EMS medical director, hospital supervising physician, or medical clinic supervising physician. (4-2-08)

b. Certified EMS personnel must only provide patient care for which they have been trained, based on curricula or specialized training approved according to IDAPA 16.02.03, "Rules Governing Emergency Medical Services," or additional training approved by the hospital or medical clinic supervising physician. (4-2-08)

c. Certified EMS personnel must not perform a task or tasks within their scope of practice that have been specifically prohibited by their EMS medical director, hospital supervising physician, or medical clinic supervising physician. (4-2-08)

d. Certified EMS personnel that possess a valid credential issued by the EMS medical director, hospital supervising physician, or medical clinic supervising physician are authorized to provide services when representing an Idaho EMS agency, hospital, or medical clinic and under any one (1) of the following conditions: (4-2-08)

i. When part of a documented, planned deployment of personnel resources approved by the EMS medical director, hospital supervising physician, or medical clinic supervising physician; or (4-2-08)

ii. When, in a manner approved by the EMS medical director, hospital supervising physician, or medical clinic supervising physician, administering first aid or emergency medical attention in accordance with Section 5-330 or 5-331, Idaho Code, without expectation of remuneration; or (4-2-08)

iii. When participating in a training program approved by the EMS Bureau, the EMS medical director,

hospital supervising physician, or medical clinic supervising physician. (4-2-08)

02. Scope of Practice. (4-2-08)

a. The Commission maintains an “EMS Physician Commission Standards Manual” that: (4-2-08)

i. Establishes the scope of practice of certified EMS personnel; and (4-2-08)

ii. Specifies the type and degree of medical supervision for specific skills, treatments, and procedures by level of EMS certification. (4-2-08)

b. The Commission will consider the United States Department of Transportation's National EMS Scope of Practice Model when preparing or revising the standards manual described in Subsection 100.02.a. of this rule; (4-2-08)

c. The scope of practice established by the EMS Physician Commission determines the objectives of applicable curricula and specialized education of certified EMS personnel. (4-2-08)

d. The scope of practice does not define a standard of care, nor does it define what should be done in a given situation; (4-2-08)

e. Certified EMS personnel must not provide out-of-hospital patient care that exceeds the scope of practice established by the Commission; (4-2-08)

f. Certified EMS personnel must be credentialed by the EMS medical director, hospital supervising physician, or medical clinic supervising physician to be authorized for their scope of practice; (4-2-08)

g. The credentialing of certified EMS personnel affiliated with an EMS agency, in accordance with IDAPA 16.02.03, “Rules Governing Emergency Medical Services,” must not exceed the licensure level of that EMS agency; and (4-2-08)

h. The patient care provided by certified EMS personnel must conform to the Medical Supervision Plan as authorized by the EMS medical director, hospital supervising physician, or medical clinic supervising physician. (4-2-08)

101. -- 199. (RESERVED).

200. EMS MEDICAL DIRECTOR, HOSPITAL SUPERVISING PHYSICIAN, AND MEDICAL CLINIC SUPERVISING PHYSICIAN QUALIFICATIONS.

The EMS Medical Director, Hospital Supervising Physician, and Medical Clinic Supervising Physician must: (4-2-08)

01. Accept Responsibility. Accept responsibility for the medical direction and medical supervision of the activities provided by certified EMS personnel. (4-2-08)

02. Maintain Knowledge of EMS Systems. Obtain and maintain knowledge of the contemporary design and operation of EMS systems. (4-2-08)

03. Maintain Knowledge of Idaho EMS. Obtain and maintain knowledge of Idaho EMS laws, regulations, and standards manuals. (4-2-08)

201. -- 299. (RESERVED).

300. EMS MEDICAL DIRECTOR, HOSPITAL SUPERVISING PHYSICIAN, AND MEDICAL CLINIC SUPERVISING PHYSICIAN RESPONSIBILITIES AND AUTHORITY.

01. Documentation of Written Agreement. The EMS medical director must document a written

agreement with the EMS agency to supervise certified EMS personnel and provide such documentation to the EMS Bureau annually or upon request. (4-2-08)

02. Approval for EMS Personnel to Function. (4-2-08)

a. The explicit approval of the EMS medical director, hospital supervising physician, or medical clinic supervising physician is required for certified EMS personnel under his supervision to provide medical care. (4-2-08)

b. The EMS medical director, hospital supervising physician, or medical clinic supervising physician may credential certified EMS personnel under his supervision with a limited scope of practice relative to that allowed by the EMS Physician Commission, or with a limited scope of practice corresponding to a lower level of EMS certification. (4-2-08)

03. Restriction or Withdrawal of Approval for EMS Personnel to Function. (4-2-08)

a. The EMS medical director, hospital supervising physician, or medical clinic supervising physician can restrict the scope of practice of certified EMS personnel under his supervision when such personnel fail to meet or maintain proficiencies established by the EMS medical director, hospital supervising physician, or medical clinic supervising physician, or the Idaho EMS Bureau. (4-2-08)

b. The EMS medical director, hospital supervising physician, or medical clinic supervising physician can withdraw approval of certified EMS personnel to provide services, under his supervision, when such personnel fail to meet or maintain proficiencies established by the EMS medical director, hospital supervising physician, or medical clinic supervising physician, or the EMS Bureau. (4-2-08)

c. The EMS medical director, hospital supervising physician, or medical clinic supervising physician must report in writing such restriction or withdrawal of approval within fifteen (15) days of the action to the EMS Bureau in accordance with Section 39-1393, Idaho Code. (4-2-08)

04. Review Qualifications of EMS Personnel. The EMS medical director, hospital supervising physician, or medical clinic supervising physician must document the review of the qualification, proficiencies, and all other EMS agency, hospital, and medical clinic affiliations of EMS personnel prior to credentialing the individual. (4-2-08)

05. Document EMS Personnel Proficiencies. The EMS medical director, hospital supervising physician, or medical clinic supervising physician must document that the capabilities of certified EMS personnel are maintained on an ongoing basis through education, skill proficiencies, and competency assessment. (4-2-08)

06. Develop and Implement a Performance Assessment and Improvement Program. The EMS medical director must develop and implement a program for continuous assessment and improvement of services provided by certified EMS personnel under their supervision. (4-2-08)

07. Review and Update Procedures. The EMS medical director must review and update protocols, policies, and procedures at least every two (2) years. (4-2-08)

08. Develop and Implement Plan for Medical Supervision. The EMS medical director, hospital supervising physician, or medical clinic supervising physician must develop, implement and oversee a plan for supervision of certified EMS personnel as described in Subsection 400.06 of these rules. (4-2-08)

09. Access to Records. The EMS medical director must have access to all relevant agency, hospital, or medical clinic records as permitted or required by statute to ensure responsible medical supervision of certified EMS personnel. (4-2-08)

301. -- 399. (RESERVED).

400. PHYSICIAN SUPERVISION IN THE OUT-OF-HOSPITAL SETTING.

01. Medical Supervision Required. In accordance with Section 56-1011, Idaho Code, certified EMS personnel must provide emergency medical services under the supervision of a designated EMS medical director. (4-2-08)

02. Designation of EMS Medical Director. The EMS agency must designate a physician for the medical supervision of certified EMS personnel affiliated with the EMS agency. (4-2-08)

03. Delegated Medical Supervision of EMS Personnel. The EMS medical director can designate other physicians to supervise the certified EMS personnel in the temporary absence of the EMS medical director. (4-2-08)

04. Direct Medical Supervision by Physician Assistants and Nurse Practitioners. The EMS medical director can designate Physician Assistants (PA) and Nurse Practitioners for purposes of direct medical supervision of certified EMS personnel under the following conditions: (4-2-08)

a. A designated physician is not present in the anticipated receiving health care facility; and (4-2-08)

b. The Nurse Practitioner, when designated, must have a preexisting written agreement with the EMS medical director describing the role and responsibilities of the Nurse Practitioner; or (4-2-08)

c. The physician supervising the PA, as defined in IDAPA 22.01.03, "Rules for the Licensure of Physician Assistants," authorizes the PA to provide direct (on-line) supervision; and (4-2-08)

d. The PA, when designated, must have a preexisting written agreement with the EMS medical director describing the role and responsibilities of the PA related to supervision of EMS personnel. (4-2-08)

e. Such designated clinician must possess and be familiar with the medical supervision plan, protocols, standing orders, and standard operating procedures authorized by the EMS medical director. (4-2-08)

05. Indirect Medical Supervision by Non-Physicians. Non-physicians can assist the EMS medical director with indirect medical supervision of certified EMS personnel. (4-2-08)

06. Medical Supervision Plan. The medical supervision of certified EMS personnel must be provided in accordance with a documented medical supervision plan that includes direct, indirect, on-scene, educational, and proficiency standards components. The requirements for the medical supervision plan are found in the Idaho EMS Physician Commission Standards Manual incorporated by reference under Section 004 of these rules. (5-1-09)T

07. Out-of-Hospital Medical Supervision Plan Filed with EMS Bureau. The agency EMS medical director must file the medical supervision plan, including identification of the EMS medical director and any designated clinicians to the EMS Bureau in a form described in the standards manual. (4-2-08)

a. The agency EMS medical director must inform the EMS Bureau of any changes in designated clinicians or the medical supervision plan within thirty (30) days of the change(s). (4-2-08)

b. The EMS Bureau must provide the Commission with the medical supervision plans annually and upon request. (4-2-08)

c. The EMS Bureau must provide the Commission with the identification of EMS Medical directors and designated clinicians annually and upon request. (4-2-08)

401. -- 499. (RESERVED).

500. PHYSICIAN SUPERVISION IN HOSPITALS AND MEDICAL CLINICS.

01. Medical Supervision Required. In accordance with Section 56-1011, Idaho Code, certified EMS personnel must provide emergency medical services under the supervision of a designated hospital supervising

physician or medical clinic supervising physician. (4-2-08)

02. Level of Certification Identification. The certified EMS personnel employed or utilized for delivery of services within a hospital or medical clinic, when on duty, must at all times visibly display identification specifying their level of EMS certification. (4-2-08)

03. Credentialing of Certified EMS Personnel in a Hospital or Medical Clinic. The hospital or medical clinic must maintain a current written description of acts and duties authorized by the hospital supervising physician or medical clinic supervising physician for credentialed EMS personnel and must submit the descriptions upon request of the Commission or the EMS Bureau. (4-2-08)

04. Notification of Employment or Utilization. The certified EMS personnel employed or utilized for delivery of services within a hospital or medical clinic must report such employment or utilization to the EMS Bureau within thirty (30) days of engaging such activity. (4-2-08)

05. Designation of Supervising Physician. The hospital or medical clinic administration must designate a physician for the medical supervision of certified EMS personnel employed or utilized in the hospital or medical clinic. (4-2-08)

06. Delegated Medical Supervision of EMS Personnel. The hospital supervising physician or medical clinic supervising physician can designate other physicians to supervise the certified EMS personnel during the periodic absence of the hospital supervising physician or medical clinic supervising physician. (4-2-08)

07. Direct Medical Supervision by Physician Assistants and Nurse Practitioners. The hospital supervising physician, or medical clinic supervising physician can designate Physician Assistants (PA) and Nurse Practitioners for purposes of direct medical supervision of certified EMS personnel under the following conditions: (4-2-08)

a. The Nurse Practitioner, when designated, must have a preexisting written agreement with the hospital supervising physician or medical clinic supervising physician describing the role and responsibilities of the Nurse Practitioner; or (4-2-08)

b. The physician supervising the PA, as defined in IDAPA 22.01.03, "Rules for the Licensure of Physician Assistants," authorizes the PA to provide supervision; and (4-2-08)

c. The PA, when designated, must have a preexisting written agreement with the hospital supervising physician or medical clinic supervising physician describing the role and responsibilities of the PA related to supervision of EMS personnel. (4-2-08)

d. Such designated clinician must possess and be familiar with the medical supervision plan, protocols, standing orders, and standard operating procedures authorized by the hospital supervising physician or medical clinic supervising physician. (4-2-08)

08. On-Site Contemporaneous Supervision. Certified EMS personnel will only provide patient care with on-site contemporaneous supervision by the hospital supervising physician, medical clinic supervising physician, or designated clinicians. (4-2-08)

09. Medical Supervision Plan. The medical supervision of certified EMS personnel must be provided in accordance with a documented medical supervision plan. The hospital supervising physician or medical clinic supervising physician is responsible for developing, implementing, and overseeing the medical supervision plan, and must submit the plan(s) upon request of the Commission or the EMS Bureau. (4-2-08)

501. -- 999. (RESERVED).

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