

Dear Senators HEIDER, Souza, Jordan, and
Representatives WOOD, Packer, Chew:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of
the Department of Health and Welfare:

IDAPA 16.01.02 - Emergency Medical Services (EMS)–Rule Definitions - Temporary and Proposed
Rule (Docket No. 16-0102-1801);

IDAPA 16.01.03 - Emergency Medical Services (EMS)–Agency Licensing Requirements -
Temporary and Proposed Rule (Docket No. 16-0103-1801);

IDAPA 16.01.07 - Emergency Medical Services (EMS)–Personnel Licensing Requirements -
Temporary and Proposed Rule (Docket No. 16-0107-1801).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 07/27/2018. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 08/24/2018.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4834, or send a written request to the address on the
memorandum attached below.



Eric Milstead
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Health & Welfare Committee and the House Health & Welfare Committee

FROM: Principal Legislative Research Analyst - Elizabeth Bowen

DATE: July 10, 2018

SUBJECT: Department of Health and Welfare

IDAPA 16.01.02 - Emergency Medical Services (EMS)--Rule Definitions - Temporary and Proposed Rule (Docket No. 16-0102-1801)

IDAPA 16.01.03 - Emergency Medical Services (EMS)--Agency Licensing Requirements - Temporary and Proposed Rule (Docket No. 16-0103-1801)

IDAPA 16.01.07 - Emergency Medical Services (EMS)--Personnel Licensing Requirements - Temporary and Proposed Rule (Docket No. 16-0107-1801)

The Department of Health and Welfare submits notice of temporary and proposed rulemaking at IDAPA 16.01.02, 16.01.03, and 16.01.07.

16.01.02

Senate Bill 1310, enacted by the 2018 Legislature, amended Section 56-1016, Idaho Code, to provide that the required crew during an emergency patient transport or transfer may include emergency medical responders who have an ambulance certification. This temporary and proposed rule provides a definition of "ambulance certification," which was not previously included in rule.

Negotiated rulemaking was not conducted, as it was not considered feasible due to time constraints. The Governor finds that temporary adoption of the rule is justified in order to comply with the requirements of Senate Bill 1310. There is no anticipated negative fiscal impact on the state general fund. The Department states that this rulemaking is authorized pursuant to Sections 56-1011 through 56-1023, Idaho Code, regarding emergency medical services, and Senate Bill 1310.

16.01.03

This temporary and proposed rule amends existing language to comply with the provisions of Senate Bill 1310. Specifically, the rule change provides that emergency medical responders with an ambulance certification may serve as required crew members during emergency patient transport or transfer.

Negotiated rulemaking was not conducted, as it was not considered feasible due to time constraints. The Governor finds that temporary adoption of the rule is justified in order to comply with the requirements of Senate Bill 1310. There is no anticipated negative fiscal impact on the state general fund. The Department

states that this rulemaking is authorized pursuant to Sections 56-1011 through 56-1023, Idaho Code, regarding emergency medical services, and Senate Bill 1310.

16.01.07

In order to align with the provisions of Senate Bill 1310, this temporary and proposed rule provides the process by which an emergency medical responder may obtain the ambulance certification required to staff transport or transfer crews.

Negotiated rulemaking was not conducted, as it was not considered feasible due to time constraints. The Governor finds that temporary adoption of the rule is justified in order to comply with the requirements of Senate Bill 1310. There is no anticipated negative fiscal impact on the state general fund. The Department states that this rulemaking is authorized pursuant to Sections 56-1011 through 56-1023, Idaho Code, regarding emergency medical services, and Senate Bill 1310.

cc: Department of Health and Welfare
Frank Powell and Trinette Middlebrook

**IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE
16.01.02 – EMERGENCY MEDICAL SERVICES (EMS) – RULE DEFINITIONS**

DOCKET NO. 16-0102-1801

NOTICE OF RULEMAKING – TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2018.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Sections 56-1011 through 56-1023, Idaho Code, and Senate Bill 1310 (2018).

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

PUBLIC HEARINGS		
Wednesday, July 11, 2018 7:00 pm (MDT)	Friday, July 13, 2018 7:00 pm (MDT)	Monday, July 16, 2018 7:00 pm (MDT)
Salmon AEMTs 200 Fulton Suite 102 Salmon, ID 83467	Fremont Co. Annex 125 N. Bridge Street St. Anthony, ID 83445	Idaho Falls Fire Dept. 343 E Street Idaho Falls, ID 83402
WebEx Information:		
https://idhw.webex.com/idhw/j.php?MTID=m573abc07708805b8999012e7209e0b6f Meeting number: 809 114 798 Meeting password: 69JpfA6N (69573266 from phones)	https://idhw.webex.com/idhw/j.php?MTID=mf6d0fcab1da9d0559be5c74d73768bf0 Meeting number: 801 390 646 Meeting password: uey27W3J (83927935 from phones)	https://idhw.webex.com/idhw/j.php?MTID=m3a3185b39a60380bf140e403b3289168 Meeting number: 803 619 635 Meeting password: rsxK386M (77953866 from phones)

**TELECONFERENCE CALL-IN (all meetings)
6:00 pm (PDT) / 7:00 pm (MDT)
1-240-454-0879 USA Toll**

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 the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Title 56 (EMS Act) requires that the minimum staffing requirement for patient care providers in ambulances in Idaho is an Emergency Medical Technician (EMT). The EMT is the second level of licensed Emergency Medical Services (EMS) patient care provider in Idaho. The first level is the Emergency Medical Responder (EMR). Senate

Bill 1310 (2018) changes this requirement from an EMT to an EMR with an Ambulance Certification. The Ambulance Certification is a new process so the current EMS Rules are silent on the requirements that agencies must meet in order to staff an ambulance with an ambulance certified EMR. This rulemaking is needed to align the chapter with Senate Bill 1310 (2018). Specifically, these rule changes add a definition of “Ambulance Certification” to this chapter. Companion rule changes are being made simultaneously under Dockets 16-0103-1801 and 16-0107-1801.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate to comply with deadlines in amendments to governing law or federal programs, specifically, this rulemaking is being done to align this chapter with Senate Bill 1310 (2018).

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 negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

The Emergency Medical Services (EMS) program is funded through dedicated funds. This rulemaking has no fiscal impact to those funds or to the state general fund. This rulemaking is intended to be cost-neutral.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted. Due to the tight timeframe for bringing these rules before the Board of Health and Welfare in May so that they can go into effect July 1, 2018, as per statute, formal negotiated rulemaking will not be conducted under notices in the Idaho Administrative Bulletin. However, informal negotiated rulemaking will be conducted with key stakeholders including volunteer EMS agencies and personnel, Bureau of EMS & Preparedness staff, the EMS Advisory Committee, and the Idaho EMS Physician Commission.

INCORPORATION BY REFERENCE: No materials are being incorporated by reference in this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and 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 July 25, 2018.

DATED this 5th day of June, 2018.

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
E-mail: dhwrules@dhw.idaho.gov

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 16-0102-1801
(Only Those Sections With Amendments Are Shown.)**

010. DEFINITIONS AND ABBREVIATIONS A THROUGH B.

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

(7-1-14)

- 01. Advanced Emergency Medical Technician (AEMT).** An AEMT is a person who: (7-1-14)
- 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”; (7-1-14)
 - b.** Is licensed by the Department under Sections 56-1011 through 56-1023, Idaho Code; (7-1-14)
 - c.** Carries out the practice of emergency medical care within the scope of practice for AEMT determined by the Idaho Emergency Medical Services Physician Commission (EMSPC), under IDAPA 16.02.02, “Rules of the Idaho Emergency Medical Services (EMS) Physician Commission”; and (7-1-14)
 - d.** Practices under the supervision of a physician licensed in Idaho. (7-1-14)
- 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. (7-1-14)
- 03. Advanced Practice Registered Nurse.** A person who meets all the applicable requirements and is licensed to practice as an Advanced Practice Registered Nurse under Sections 54-1401 through 54-1418, Idaho Code. (7-1-14)
- 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. (7-1-14)
- 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. (7-1-14)
- 06. Affiliating EMS Agency.** The licensed EMS agency, or agencies, under which licensed personnel are authorized to provide patient care. (7-1-14)
- 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.” (7-1-14)
- 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. (7-1-14)
- 09. Air Medical.** 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.” (7-1-17)

10. 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. (7-1-14)

11. Air Medical Support. 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.” (7-1-17)

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. 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.” (7-1-14)

13. Ambulance-Based Clinicians. Licensed Registered Nurses and Advanced Practice Registered 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. (7-1-14)

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. (7-1-14)

15. Ambulance Certification. Designation issued by the EMS Bureau to a licensed EMR indicating that the EMR has successfully completed ambulance certification training, examination, and credentialing as required by the EMS Bureau. The ambulance certification allows a licensed EMR to serve as the sole patient care provider in an ambulance during transport or transfer. (7-1-18)T

156. 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: (7-1-14)

- a.** An organization seeking a new license; (7-1-14)
- b.** An existing agency that intends to: (7-1-14)
 - i.** Change the level of licensed personnel it utilizes; (7-1-14)
 - ii.** Change its geographic coverage area (except by agency annexation); or (7-1-14)
 - iii.** Begin or discontinue providing patient transport services. (7-1-14)

167. Assessment. The evaluation of a patient by EMS licensed personnel intending to provide treatment or transportation to that patient. (7-1-14)

178. 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. (7-1-14)

189. Board. The Idaho Board of Health and Welfare. (7-1-14)

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.01.03 – EMERGENCY MEDICAL SERVICES (EMS) – AGENCY LICENSING REQUIREMENTS

DOCKET NO. 16-0103-1801

NOTICE OF RULEMAKING – TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2018.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Sections 56-1011 through 56-1023, Idaho Code, and Senate Bill 1310 (2018).

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

PUBLIC HEARINGS		
Wednesday, July 11, 2018 7:00 pm (MDT)	Friday, July 13, 2018 7:00 pm (MDT)	Monday, July 16, 2018 7:00 pm (MDT)
Salmon AEMTs 200 Fulton Suite 102 Salmon, ID 83467	Fremont Co. Annex 125 N. Bridge Street St. Anthony, ID 83445	Idaho Falls Fire Dept. 343 E Street Idaho Falls, ID 83402
WebEx Information:		
https://idhw.webex.com/idhw/j.php?MTID=m573abc07708805b8999012e7209e0b6f	https://idhw.webex.com/idhw/j.php?MTID=mf6d0fcab1da9d0559be5c74d73768bf0	https://idhw.webex.com/idhw/j.php?MTID=m3a3185b39a60380bf140e403b3289168
Meeting number: 809 114 798	Meeting number: 801 390 646	Meeting number: 803 619 635
Meeting password: 69JpfA6N (69573266 from phones)	Meeting password: uey27W3J (83927935 from phones)	Meeting password: rsxK386M (77953866 from phones)

**TELECONFERENCE CALL-IN (all meetings)
6:00 pm (PDT) / 7:00 pm (MDT)**

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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 the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Title 56 (EMS Act) requires that the minimum staffing requirement for patient care providers in ambulances in Idaho is an Emergency Medical Technician (EMT). The EMT is the second level of licensed Emergency Medical Services (EMS) patient care provider in Idaho. The first level is the Emergency Medical Responder (EMR). Senate

Bill 1310 (2018) changes this requirement from an EMT to an EMR with an Ambulance Certification. The Ambulance Certification is a new process so the current EMS Rules are silent on the requirements that agencies must meet in order to staff an ambulance with an ambulance-certified EMR. This rulemaking is needed to align the chapter with Senate Bill 1310 (2018). Specifically, these rule changes add language to this chapter that allows an EMS agency to use an ambulance-certified EMR to be the sole patient care provider. Companion rule changes are being made simultaneously under Dockets 16-0102-1801 and 16-0107-1801.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate to comply with deadlines in amendments to governing law or federal programs, specifically, this rulemaking is being done to align this chapter with Senate Bill 1310 (2018).

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 negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

The Emergency Medical Services (EMS) program is funded through dedicated funds. This rulemaking has no fiscal impact to those funds or to the state general fund. This rulemaking is intended to be cost-neutral.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted. Due to the tight timeframe for bringing these rules before the Board of Health and Welfare in May so that they can go into effect July 1, 2018, as per statute, formal negotiated rulemaking will not be conducted under notices in the Idaho Administrative Bulletin. However, informal negotiated rulemaking will be conducted with key stakeholders including volunteer EMS agencies and personnel, Bureau of EMS & Preparedness staff, the EMS Advisory Committee, and the Idaho EMS Physician Commission.

INCORPORATION BY REFERENCE: No materials are being incorporated by reference in this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and 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 July 25, 2018.

DATED this 5th day of June, 2018.

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
E-mail: dhwrules@dhw.idaho.gov

THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 16-0103-1801
(Only Those Sections With Amendments Are Shown.)

202. EMS AGENCY -- CLINICAL LEVELS.

An EMS agency is licensed at one (1) or more of the following clinical levels depending on the agency's highest level of licensed personnel and life support services advertised or offered. (7-1-14)

- 01. Non-transport:** (7-1-14)
 - a. EMR/BLS; (7-1-14)
 - b. EMT/BLS; (7-1-14)
 - c. AEMT/ILS; or (7-1-14)
 - d. Paramedic/ALS. (7-1-14)
- 02. Ambulance:** (7-1-14)
 - a.** EMR (with Ambulance Certification)/BLS; (7-1-18)T
 - a**b. EMT/BLS; (7-1-14)
 - b**c. AEMT/ILS; (7-1-14)
 - e**d. Paramedic/ALS; or (7-1-14)
 - d**e. Paramedic/ALS Critical Care. (7-1-14)
- 03. Air Medical:** (3-29-17)
 - a. Paramedic/ALS; or (7-1-14)
 - b. Paramedic/ALS Critical Care. (7-1-14)
- 04. Air Medical Support;** (3-29-17)
 - a. EMT/BLS; (3-29-17)
 - b. AEMT/ILS; or (3-29-17)
 - c. Paramedic/ALS. (3-29-17)

(BREAK IN CONTINUITY OF SECTIONS)

301. AMBULANCE EMS AGENCY -- PERSONNEL REQUIREMENTS.

Each ambulance agency must ensure that there are two (2) crew members on each patient transport or transfer. The crew member providing patient care, at a minimum, must be a licensed EMR with an ambulance certification or a licensed EMT. ~~(7-1-14)~~(7-1-18)T

302. AIR MEDICAL EMS AGENCY -- PERSONNEL REQUIREMENTS.

Each air medical agency must ensure that there are two (2) crew members, not including the pilot, on each patient transport or transfer. The crew member providing patient care, at a minimum, must be a licensed EMR with an ambulance certification or a licensed EMT. An air medical agency must also demonstrate that the following exists.
~~(7-1-14)~~(7-1-18)T

01. Personnel for Air Medical Agency. An Air Medical agency must ensure that each flight includes at a minimum, one (1) licensed registered nurse and one (1) Paramedic. Based on the patient's need, an exception for transfer flights may include a minimum of one (1) licensed respiratory therapist and one (1) licensed registered nurse, or two (2) licensed registered nurses. (3-29-17)

02. Personnel for Air Medical Support Agency. An Air Medical Support agency must ensure that each flight includes at a minimum, two (2) crew members with one (1) patient care provider licensed at or above the agency's highest clinical level of licensure. (3-29-17)

(BREAK IN CONTINUITY OF SECTIONS)

306. UTILIZING PHYSICIAN ASSISTANTS, LICENSED REGISTERED NURSES OR ADVANCED PRACTICE REGISTERED NURSES.

An AEMT/ILS ambulance agency may use a non-certified physician assistant, licensed registered nurse, or advanced practice registered nurse as the crew member who is providing ILS patient services, only when accompanied by a licensed EMR with an ambulance certification or a licensed EMT in the patient compartment of the transport vehicle.
~~(7-1-14)~~(7-1-18)T

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.01.07 – EMERGENCY MEDICAL SERVICES (EMS) – PERSONNEL LICENSING REQUIREMENTS

DOCKET NO. 16-0107-1801

NOTICE OF RULEMAKING – TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2018.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Sections 56-1011 through 56-1023, Idaho Code, and Senate Bill 1310 (2018).

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

PUBLIC HEARINGS		
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DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Title 56 (EMS Act) requires that the minimum staffing requirement for patient care providers in ambulances in Idaho is an Emergency Medical Technician (EMT). The EMT is the second level of licensed Emergency Medical Services (EMS) patient care provider in Idaho. The first level is the Emergency Medical Responder (EMR). Senate

Bill 1310 (2018) changes this requirement from an EMT to an EMR with an Ambulance Certification. The Ambulance Certification is a new process so the current EMS Rules are silent on the requirements that agencies must meet in order to staff an ambulance with an ambulance-certified EMR. This rulemaking is needed to align the chapter with Senate Bill 1310 (2018). Specifically, these rule changes add language to this chapter that establishes the process that an EMR must follow to obtain the Ambulance Certification. Companion rule changes are being made simultaneously under Dockets 16-0102-1801 and 16-0103-1801.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate to comply with deadlines in amendments to governing law or federal programs, specifically, this rulemaking is being done to align this chapter with Senate Bill 1310 (2018).

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 negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

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NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted. Due to the tight timeframe for bringing these rules before the Board of Health and Welfare in May so that they can go into effect July 1, 2018, as per statute, formal negotiated rulemaking will not be conducted under notices in the Idaho Administrative Bulletin. However, informal negotiated rulemaking will be conducted with key stakeholders including volunteer EMS agencies and personnel, Bureau of EMS & Preparedness staff, the EMS Advisory Committee, and the Idaho EMS Physician Commission.

INCORPORATION BY REFERENCE: No materials are being incorporated by reference in this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and 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 July 25, 2018.

DATED this 5th day of June, 2018.

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 TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 16-0107-1801
(Only Those Sections With Amendments Are Shown.)

151. AMBULANCE CERTIFICATION.

01. Ambulance Certification is Required. In order for a licensed EMR to serve as the sole patient care provider who is delivering patient care, the EMR must possess a current ambulance certification issued by the EMS Bureau. (7-1-18)T

02. Ambulance Certification Requirements. A licensed EMR applying for and meeting the requirements defined in this section of rule will be issued an ambulance certification. The requirements for ambulance certification are: (7-1-18)T

a. Have a valid, unrestricted EMR license; (7-1-18)T

b. Have successfully completed an ambulance certification training program, examination, and credentialing; (7-1-18)T

03. Duration of Certification. Ambulance certifications are valid as long as the license holder is continually licensed. (7-1-18)T

04. Disciplinary and Corrective Action. The Department may impose disciplinary and corrective actions on an ambulance certification based on the procedures for administrative license actions described in IDAPA 16.01.12, “Emergency Medical Services (EMS) – Complaints, Investigations, and Disciplinary Actions.” (7-1-18)T

152. -- 174. (RESERVED)