

Dear Senators LODGE, Broadsword & LeFavour, and
Representatives BLOCK, Nielsen & Rusche:

The Legislative Services Office, Research and Legislation, has received the enclosed
rules of the Dept. Of Health & Welfare:

IDAPA 16.02.02 - Rules of the Emergency Medical Services (EMS) Physician” (Docket No. 16-
0202-0901 (Amendment to Temporary Rule).

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
7-16-09. 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 8-13-09.

_____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 334-2475, or send a written request to the
address or FAX number indicated on the memorandum enclosed.

MEMORANDUM

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

FROM: Research & Legislation Staff - Paige Alan Parker

DATE: June 26, 2009

SUBJECT: Department of Health and Welfare - IDAPA 16.02.02 - Rules of the Emergency Medical Services (EMS) Physician” (Docket No. 16-0202-0901 (Amendment to Temporary Rule)

The Department seeks to amend a temporary rule by changing the edition of the EMS Physician Commission Standards Manual from edition 2009-1 to edition 2009-2. The Department relies upon sections 56-1013A and 56-1017, Idaho Code, for authority. Sections 56-1013A, Idaho Code creates the Medical Services Physician Commission. Section 56-1017, Idaho Code, authorizes and directs the Commission to adopt appropriate rules defining the allowable scope of practice and acts and duties which can be performed by persons certified by the Department of Health and Welfare. That section also gives the Board of Health and Welfare rulemaking authority which must be consistent with the rules adopted by the Commission.

The Governor’s justification for the temporary rule is to protect the public health, safety or welfare. The temporary rule goes into effect on July 1, 2009. The Department states that the temporary rule being amended went into effect on May 1, 2009. The temporary rule being amended by this docket has not been reviewed.

According to the Department, the temporary and proposed rule does not impose a fee or charge and will not impact the state General Fund. The Department does not state whether negotiated rulemaking was conducted. The Department does not address whether public hearings will be scheduled and does not provide a written comments deadline.

The Department states that the amended temporary rule updates the edition number of the EMS Physician Commission Standards Manual from 2009-1 to 2009-2. The Department states

that the updated version of the manual includes a “scope of practice” manual that governs the medications, devices and clinical interventions that EMS personnel can use to treat patients at emergency scenes and in ambulances.

ANALYSIS

The sole change posed by this docket is the changed reference of the edition of the Idaho Emergency Medical Services Physician Commission Standards Manual from 2009-1 to 2000-2. See section 16.02.02.004.

SUMMARY

The Department’s temporary and proposed rule appears to be authorized under section 56-1017, Idaho Code.

cc: Department of Health and Welfare
Tamara Prisock & Dia Gainor

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

**16.02.02 - RULES OF THE IDAHO EMERGENCY MEDICAL SERVICES
(EMS) PHYSICIAN COMMISSION**

DOCKET NO. 16-0202-0901

NOTICE OF RULEMAKING - AMENDMENT TO TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is May 1, 2009. The effective date of the amendment to the temporary rule is July 1, 2009.

AUTHORITY: In compliance with Section 67-5226, Idaho Code, notice is hereby given that this agency has amended a temporary rule. The action is authorized pursuant to Sections 56-1013A and 56-1017, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

To best protect the public's health and safety, the Emergency Medical Services (EMS) Physician Commission is amending their Standards Manual that is incorporated by reference in this chapter of rules. This Standards Manual includes a "scope of practice" manual that governs the medications, devices, and clinical interventions that EMS personnel can use to treat patients at emergency scenes and in ambulances. The updated version of the manual adds several important clinical interventions that can be used by EMS personnel.

The following change is being made in this rulemaking:

The "Incorporation by Reference" section of these rules is being revised with the updated edition number (2009-2) of the EMS Physician Commission Standards Manual. This rule revision will ensure the updated manual has the force and effect of law. Copies of the 2009-2 edition of the EMS Physician Commission Standards Manual will be available to the public on the effective date of this rulemaking.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate since it is necessary for the protection of the public health, safety, and welfare of Idahoans.

FEE SUMMARY: There is no fee or charge being imposed or increased in this docket.

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:

There is no impact to the state general fund as result of this rulemaking.

***NOTE:** The EMS Physician Commission is funded entirely by receipts from initial and renewal EMS personnel licensure in accordance with Section 56-1013A(6), Idaho Code.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Dia Gainor at (208) 334-4000.

DATED this 2nd day of June, 2009.

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

THE FOLLOWING IS AMENDED TEMPORARY TEXT OF DOCKET NO. 16-0202-0901

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-~~12~~2, 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)F~~(7-1-09)T