

Dear Senators LODGE, Broadsword & Werk, and
Representatives BLOCK, Nielsen & Henbest:

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

IDAPA 16.02.02 - Rules of the Idaho Emergency Medical Services Physician Commission
(Docket #16-0202-0801).

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
6-26-08. 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 7-24-08.

_____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 9, 2008

SUBJECT: Department of Health and Welfare - IDAPA 16.02.02 - Rules of the Emergency Medical Services (EMS) Physician” (Docket No. 16-0202-0801) Temporary and Proposed)

According to the Department, the temporary and proposed rule contained in Docket No. 16-0202-0801 (hereinafter “new chapter” is authorized pursuant to sections 56-1013A and 56-1017, Idaho Code. 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 person 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, 2007.

According to the Department, the temporary and proposed rule does not impose a fee or charge and will not impact the state General Fund. According to the Department, negotiated rulemaking was not conducted because the content of the proposed updates to the EMS Physician Commission Standards Manual already represents extensive input from stakeholders gathered during 2007. The Department states that public hearings will be scheduled if requested in writing by 25 persons, a political subdivision or an agency not later than July 16, 2008. The Department states that all written comments must be delivered to the Department on or before July 23, 2008.

The Department states that the temporary and proposed rule updates the edition number of the EMS Physician Commission Standards Manual to 2008-1. The Department explains that included in this manual is the definition of EMS “scope of Practice” which lists the medications, devices and clinical interventions that EMS personnel can use to treat patients at emergency scenes and in ambulances. The Department states that the updated version of the manual adds several important medications and clinical interventions that can be used by EMS personnel after additional training and permission of their medical director.

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 2007-1 to 2008-1. See section 16.02.02.004. No strike and add version of the manual had been included to provide a more detailed analysis of the change made by the updated version of the manual.

SUMMARY

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

cc: Sherri Kovach, Program Supervisor, Department of Health and Welfare - Administrative Procedures Section;
Dia Gainor, Department of Health and Welfare

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.02.02 - RULES OF THE IDAHO EMERGENCY MEDICAL SERVICES PHYSICIAN COMMISSION

DOCKET NO. 16-0202-0801

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2008.

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 rulemaking procedures have been initiated. The action is authorized pursuant to Sections 56-1013A and 56-1017, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 16, 2008.

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 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:

To best protect the public's health and safety, the Emergency Medical Services (EMS) Physician Commission is amending their standards manual which is incorporated by reference in this chapter of rules. Included in the manual is the definition of EMS "scope of practice" which lists 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 medications and clinical interventions that can be used by EMS personnel after additional training and permission of their medical director.

Section 004 (Incorporation by Reference) of these rules is being revised with the updated edition number (2008-1) of the EMS Physician Commission Standards Manual. This revision will ensure the updated manual has the force and effect of law. Copies of the 2008-1 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 certifications in accordance with Section 56-1013A(6), Idaho Code.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the content of the proposed updates to the EMS Physician Commission Standards Manual already represents extensive input from stakeholders gathered during 2007.

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

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 23, 2008.

DATED this 12th day of May, 2008.

Sherri Kovach
Program Supervisor
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THE FOLLOWING IS THE TEXT OF DOCKET NO. 16-0202-0801

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 2007~~8~~-1, and hereby incorporates this Standards Manual by reference. Copies of the manual may be obtained from the EMS Bureau located at 590 W. Washington Street, Boise, Idaho, 83702, whose mailing address is P.O. 83720, Boise, Idaho 83720-0036. ~~(4-2-08)~~(7-1-08)T