

Dear Senators HEIDER, Nuxoll, Bock, and
Representatives WOOD, Perry, Rusche:

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

IDAPA 16.02.02 - Rules Pertaining to the Idaho Emergency Medical Services (EMS) Physician
Commission (Docket No. 16-0202-1301);

IDAPA 16.04.02 - Rules Pertaining To The Idaho Telecommunication Service Assistance Program
Rules (Docket No. 16-0402-1301).

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 07/25/2013. 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 08/22/2013.

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 334-4845, or send a written request to the address on the
memorandum attached below.



Jeff Youtz
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: Senior Legislative Research Analyst - Ryan Bush
DATE: July 8, 2013
SUBJECT: Department of Health and Welfare

IDAPA 16.02.02 - Rules Pertaining to the Idaho Emergency Medical Services (EMS) Physician Commission (Docket No. 16-0202-1301)

IDAPA 16.04.02 - Rules Pertaining To The Idaho Telecommunication Service Assistance Program Rules (Docket No. 16-0402-1301)

(1) 16.02.02 - Rules Pertaining to the Idaho Emergency Medical Services (EMS) Physician Commission (Docket No. 16-0202-1301)

The Department of Health and Welfare submits notice of proposed rulemaking at IDAPA 16.02.02 - Rules Pertaining to the Idaho Emergency Medical Services (EMS) Physician Commission. The Department states that the EMS Physician Commission is updating its incorporation by reference of the Idaho EMS Physician Commission Standards Manual to the recent 2014 edition of the manual so that the manual has the force and effect of law.

The Department states that negotiated rulemaking was not conducted because it was not feasible. There is no fiscal impact associated with this rulemaking.

The proposed rule appears to be within the statutory authority granted to the Department in Sections 56-202(b) and 56-1023, Idaho Code.

(2) 16.04.02 - Rules Pertaining To The Idaho Telecommunication Service Assistance Program Rules (Docket No. 16-0402-1301)

The Department of Health and Welfare submits notice of temporary and proposed rulemaking at IDAPA 16.04.02 - Rules Pertaining To The Idaho Telecommunication Service Assistance Program Rules. The Department states that this rulemaking is being done to reflect changes to the Telecommunication Service Assistance Program in Sections 56-901 and 56-902, Idaho Code, as passed by the 2013 Legislature in Senate Bill 1013. Specifically, this rulemaking removes reference to the "Link-Up" program that has been discontinued, reduces the monthly assistance discount rate from \$3.50 to \$2.50, and revises terminology relating to eligible households.

Mike Nugent, Manager
Research & Legislation

Cathy Holland-Smith, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

The Department states that negotiated rulemaking was not conducted because this is a temporary and proposed rule and it was not feasible. There is no fiscal impact associated with this rulemaking.

The temporary and proposed rule appears to be within the statutory authority granted to the Department in Section 56-202(b), Idaho Code, and Senate Bill 1013.

cc: Department of Health and Welfare

Tamara Prisock

Wayne Denny

Sara Herring

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

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

DOCKET NO. 16-0202-1301

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 56-1013A and 56-1023, 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 17, 2013.

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 a nontechnical explanation of the substance and purpose of the proposed rulemaking:

To best protect the public's health and safety, the EMS Physician Commission is revising its Standards Manual that is incorporated by reference in this chapter of rules. This revision to rule will ensure that the most recent edition of the manual has the force and effect of law.

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

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 anticipated fiscal impact to the state general fund related to this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted and deemed not feasible because the content of the proposed updates to the EMS Physician Commission Standards Manual and to this chapter of rules already represents extensive input from stakeholders gathered during 2012 and early 2013.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the *Idaho Emergency Medical Services (EMS) Physician Commission Standards Manual*, edition 2014-1, is being incorporated by reference into these rules to give it the force and effect of law. The document is not being published in this chapter of rules due to its length and format, but it is available upon request from Idaho EMS.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the 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 24, 2013.

DATED this 16th day of May, 2013.

Tamara Prisock
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450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
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email: dhwrules@dhw.idaho.gov

THE FOLLOWING IS THE TEXT OF THE PROPOSED RULE FOR DOCKET NO. 16-0202-1301

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 201~~3~~⁴-1, and hereby incorporates this Standards Manual by reference. Copies of the manual may be obtained on the Internet at www.emspc.dhw.idaho.gov or from the EMS Bureau located at 650 W. State Street, Suite B-17, Boise, Idaho, 83702, whose mailing address is P.O. 83720, Boise, Idaho 83720-0036. ~~(7-1-13)~~()

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.04.02 - IDAHO TELECOMMUNICATION SERVICE ASSISTANCE PROGRAM RULES

DOCKET NO. 16-0402-1301

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2013.

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 56-901 and 56-902, Idaho Code, as amended in Senate Bill 1013, and 47 CFR 54.405.

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 17, 2013.

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:

During the 2013 Legislative Session, statutory changes were made to Sections 56-901 and 56-902, Idaho Code, relating to telecommunication assistance under the "Idaho Telecommunication Service Assistance Program," or ITSAP. These rule changes are necessary to align with amendments to the law which are effective on July 1, 2013.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(b) and (c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

Senate Bill 1013, adopted by the 2013 Legislature, amended the ITSAP statutes which are effective on July 1, 2013.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: 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:

There is no fiscal impact to state general funds for this rulemaking. Benefit funds are allocated through telephone companies and their customers.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rule is a temporary rule and was not feasible to negotiate because these rules need to align with Idaho Code on July 1, 2013.

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 temporary and proposed rule, contact Sara Herring at (208) 334-5752.

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 24, 2013.

DATED this 5th day of June, 2013.

Tamara Prisock
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THE FOLLOWING IS THE TEMPORARY RULE & PROPOSED TEXT OF DOCKET NO. 16-0402-1301

001. TITLE, SCOPE, AND PURPOSE.

01. Title. These rules are cited as IDAPA 16.04.02, "Idaho Telecommunication Service Assistance Program Rules." (4-4-13)

02. Scope. These rules contain official requirements governing the program's right to provide eligible recipients with a reduction of costs in telecommunication installation and service. (4-4-13)

03. Purpose. The purpose of these rules is to establish requirements of the Idaho Telecommunication Service Assistance Program (ITSAP) as authorized by Sections 62-610, 56-901, 56-902, 56-903, and 56-904, Idaho Code. ITSAP shall ~~maximize~~ grant limited federal "lifeline" contributions to Idaho's low income customers. ~~(4-4-13)~~(7-1-13)T

(BREAK IN CONTINUITY OF SECTIONS)

010. DEFINITIONS.

01. Assistance Rate Discount. A monthly discount to eligible "lifeline" subscribers for basic local service under the Idaho Telecommunication Service Assistance Program (ITSAP) authorized in Sections 56-901 through 56-904, and 62-610, Idaho Code. (4-4-13)

02. Community Action Agency. A private, non-profit organization serving the low-income population in specified counties of the state which meet the requirements to be designated as a community action agency according to the Community Services Block Grant Act, and has entered into a contract with the Idaho Department of Health and Welfare for the provision of ITSAP services. (4-4-13)

03. Department. The Idaho Department of Health and Welfare. (3-5-91)

04. Eligibility Application. The current Participant Assessment Application form or the Application for Assistance (AFA) form. (7-1-99)

05. Eligible Basic Local Service. A single residence telecommunication service at the principal residence of the eligible subscriber/~~head of~~ household. ~~(7-1-99)~~(7-1-13)T

06. Federal Poverty Guidelines (FPG). The poverty guidelines issued annually by the Department of Health and Human Services (HHS). The federal poverty guidelines are available on the U.S. Health and Human Services at <http://aspe.hhs.gov/poverty>. (4-4-13)

07. Head of Household. The adult member of a household responsible for payment of at least fifty percent (50%) of the cost of the basic local service. (4-4-13)

08. Household. A household is either an individual living alone or a group of individuals who are living together at the same address as one economic unit. A household may include related and unrelated persons. An “economic unit” consists of all adult individuals contributing to and sharing in the income and expenses of a household. An adult is any person eighteen (18) years or older. If an adult has no or minimal income, and lives with someone who provides financial support to him, both people shall be considered part of the same household. Children under the age of eighteen (18) living with their parents or guardians are considered to be part of the same household as their parents or guardians. (4-4-13)

09. Income. Income is the gross amount of money actually received in the recipients household from all sources. (4-4-13)

10. ITSAP. Idaho Telecommunication Service Assistance Program. (4-4-13)

11. Lifeline. ITSAP component that provides a monthly discount rate to eligible subscribers on their basic local service costs. (4-4-13)

12. Provider. The eligible telecommunication carrier providing basic local service to Idaho residents. (4-4-13)

13. Recipient. A person who is determined eligible for ITSAP. (4-4-13)

14. Subscriber. A person applying for basic local service or, in whose name the basic local service is listed. The subscriber does not need to be the head of the household. (4-4-13)

(BREAK IN CONTINUITY OF SECTIONS)

110. ASSISTANCE DISCOUNT RATE.

An eligible “lifeline” recipient is given a monthly discount for basic local service in the amount of ~~three~~ **two** dollars and fifty cents (\$~~3~~**2**.50) ~~or an amount authorized by the Federal Communication Commission, whichever is greater.~~
(4-4-13)(7-1-13)T