

MINUTES
SENATE HEALTH & WELFARE COMMITTEE

DATE: Monday, January 13, 2014

TIME: 3:00 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Heider, Vice Chairman Nuxoll, Senators Hagedorn, Guthrie, Martin, Lakey, Bock, Schmidt

ABSENT/ EXCUSED: Senator Lodge

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the Committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairman Heider** convened the meeting at 3:12 p.m. and said this was their first chance to meet as a Committee due to conflicting schedules, but welcomed all in attendance and thanked the members of the Committee and excused those who were absent. **Chairman Heider** introduced and welcomed Senate Page Allison McCarthy, and also introduced Linda Harrison, Assistant to Senator Fulcher, who will assist the Committee Secretary as needed.

MINUTES: **Chairman Heider** noted that the purpose of the meeting was to mainly review rules, but prior to starting the rule review, there was one RS that the Committee would like to get printed as soon as possible. Since he would be presenting **RS 22479**.

PASSED THE GAVEL: Chairman Heider passed the gavel to Vice Chairman Nuxoll.

RS 22479 **Relating to Motor Vehicle Registration; to Amend a Provision Relating to Contributions to the Organ Donation Contribution Fund and Make Technical Corrections:** **Chairman Heider** introduced **RS 22479** stating that it is a clean-up bill from last year when a bill was passed relating to organ donations. There was an option for a \$2 donation with driver's licenses as well as a \$2 with vehicle registrations that could go to the organ donation fund. After the session ended, the Idaho Transportation Department (ITD) informed **Chairman Heider** that ITD did not have the ability to take the \$2 from the vehicle registration and apply it to the organ donation fund. **Chairman Heider** confirmed that the organ donation fund is going well along with the \$2 from the driver's licenses. The change was noted on page 2, item 7 which strikes out the option for the \$2 donation from motor vehicle registration. **Chairman Heider** introduced Jay Lugo, Executive Director for the Idaho Lions Eye Bank, to discuss how the fund is working, thanked Jay for being with the Committee and asked him to address the Committee.

TESTIMONY: **Mr. Lugo** stated that part of the bill last year was to get Idaho State Police and first responders involved in donation in general. Prior to that happening last year, there was no process in place for someone who died in a motor vehicle accident to acquire the accident victims, or allow them to be donors. He said that they have been able to contact the Idaho Communications Center in gathering information on traffic fatalities throughout the State. As an example, there were two fatalities in Bonner County just last week with both fatalities becoming tissue donors with the result that skin, bone, connective tissue and eyes were donated to enhance the lives of fifty individuals because of the bill that was passed last year. He thanked the Committee and expressed thanks on behalf of the recipients and their families because of the bill that was passed last year.

Chairman Heider thanked Mr. Lugo and noted how impressive an example it was that the loss of two lives, though very unfortunate, could benefit so many through the organ donor program. **Chairman Heider** then moved to send **RS 22479** to print unless there were any questions or concerns.

Senator Hagedorn noted that with the proposed change due to ITD not being able to move the funds from the vehicle registration, there was no emergency clause. Since this change will not take effect until July 1, 2014, the Senator wondered if it would be appropriate to add an emergency clause.

Chairman Heider stated that it was not necessary to add the emergency clause since the bill itself has been in effect since July 1, 2013 and had not being implemented by ITD as far as the donation from vehicle registration. The change is not an emergency but more of a necessity so it does not hang on the books with ITD unable to fulfill this role.

MOTION:

Senator Martin moved, seconded by **Senator Lakey**, to send **RS 22479** for printing. The motion carried by **voice-vote**.

**Docket No.
58-0101-1301**

Rules for the Control of Air Pollution in Idaho (Update of federal regulations incorporated by reference): **Tiffany Floyd**, Air Quality Administrator with the Idaho Department of Environmental Quality (DEQ), stated the purpose of this rule making, much like every year, is to make sure Idaho's Rules for Control of Air Pollution are consistent with federal regulations revised as of July 1, 2013. This is a critical part of maintaining DEQ's delegated authority from the EPA, to administer Idaho's air quality program as required by the Clean Air Act. The process is referred to as referencing federal regulations in Idaho's rules as "incorporation by reference." DEQ has found that incorporation by reference is much cleaner and less confusing for the regulated community. Instead of trying to duplicate or copy numerous pages of federal regulations into Idaho's rules, where possible, they merely reference the federal regulations within the rules. This reduces confusion and potential for conflicting interpretations.

Ms. Floyd went on to address the public participation and outreach related to this rule making. DEQ did not conduct a negotiated rule making. They determined it was not feasible because DEQ has no discretion with respect to adopting the federal regulations necessary to maintain authority to administer Idaho's air quality program. Even though a negotiated rule making was not conducted, DEQ did conduct public outreach as they do with every rule making. In addition to publication of the Notice of Intent to Promulgate Rules in the Idaho Administrative Bulletin, DEQ creates a web page for each rule docket. The web page includes all documents and information relevant to the rule docket. Additionally, the DEQ website offers a subscription option, known as the list-serve, for the public and regulated community to receive automated alerts when a new rule docket is added or an existing rule docket's status is changed. There are currently 187 people signed up to receive automated email notifications through this list-serve. The DEQ also, in this case, personally reached out to the industries and facilities that they knew might be interested in this rule making. A public comment period and hearing were also held and concluded on September 9, 2013. A representative from Larson-Miller Medical Waste Disposal Company attended the hearing to hear other comments, but no others attended, and no comments were received.

Ms. Floyd continued by giving an example of a newly incorporated federal regulation that is in this rule docket, stating that added text has been incorporated by reference to identify the rules and implementation plans that apply only to Idaho and not to other states. There are a number of subparts to this federal regulation and DEQ wanted to specify those which apply to Idaho. It's basically a clarification.

There are federal plan requirements for "existing" Hospital/Medical/Infectious Waste incinerators (HMIWI units or medical waste incinerators). In looking at how these new federal plan requirements affected Idaho, DEQ determined there were only two facilities with operable incinerators that could be affected; University of Idaho (with incinerators in Moscow and Nampa) and Larson-Miller Medical Waste Disposal Company in Boise. However, given their current operations, the effect of this rule revision on these facilities will be minimal, because they burn below the regulatory thresholds outlined in the federal requirements. Therefore, they are identified as "exempt" from the majority of the new requirements, with the exception of record keeping and to provide appropriate notification if operations change. DEQ contacted both facilities to explain these rule changes and provided an explanation of what's minimally required.

Lastly, Idaho Code §§ 39-128 pertains to medical waste combustors. It consists of general provisions regarding capacity, zoning and local government involvement. This addition is to ensure compliance with this existing statutory provision. Therefore, it too has been incorporated by reference. In summary, this rule making incorporates by reference the new federal plan requirements for existing medical waste incinerators, cleans up the obsolete State rules, and provides consistency with federal regulations as required. As **Ms. Floyd** mentioned earlier, consistency is vital, if not approved, DEQ would have rules that are inconsistent with federal regulations. Not to mention, these federal regulations will still be in effect and the regulated community will still be subject to the EPA enforcing them as opposed to DEQ doing so. **Ms. Floyd** then allowed time for questions.

Supporting documents related to this testimony have been archived and can be accessed in the office of the Committee Secretary (see attachment 1).

Senator Hagedorn voiced concern in wiping out 3-5 pages of our regulations so that we can be consistent with federal regulations that he is not familiar with. Asked if that copy is available and what is the delta of the federal regulations and what are the regulations we're aligning to?

Ms. Floyd responded to Senator Hagedorn's concern by giving the website address of www.ecfr.gov for the Code of Federal Regulations (CFR). She stated that you can type in the section you are looking for and the rules will come up and represents about 42 pages. All the materials before the Committee stricken will be in the 42 pages electronically or in a hard copy book. DEQ works with the different agencies to show them where and how to find the information for one place to go.

Senator Hagedorn voiced concern that it seemed we are replacing 15 pages of State regulations with 42 pages of federal regulations to make it easier for our medical waste institutions that have incinerators to manage their business. He was unable to understand how that made it easier or made sense. He also mentioned that his concern is not so much in the number of pages, but the "delta" in those regulations, the difference between the two.

Ms. Floyd responded to Senator Hagedorn and the Committee that there really aren't that many differences. She stated that if you were to compare the two as seen outlined as being stricken, the exemptions are listed as well as the definitions and things defined as mission guidelines, the federal are just a little bit longer but the information is basically the same.

Vice Chairman Nuxoll commented that when they went through the information, they found that there were no facilities in Idaho that fit the changes since the

changes seemed to apply to larger incinerators, so there must be some changes, and the Senator asked what those changes might be.

Ms. Floyd responded that the regulation being addressed before the Committee deals with existing facilities and they have been labeled as to their size and then you look at what the exemptions in areas would be and compare that with the two facilities in Idaho, and they fall within that exemption (burning less than 10 percent of the weight in their incinerators), therefore the requirements in the federal regulations that are being incorporated that apply to them are only for record keeping and any other notification.

Senator Guthrie asked for clarification on what was stated earlier in regard to the need to avoid inconsistencies so that the State could remain in compliance. The Senator asked if this meant we had been out of compliance in years past.

Ms. Floyd responded that the State is not out of compliance since the new federal plan requirements just came out in May 2013, so the revisions as of July 2013 mean that we are not and have not been out of compliance since the new ones are now being incorporated.

Senator Guthrie voiced concern that once a State yields to the federal government you run the risk that they could decide to change their requirements next month, or year, and the State is in a position where it will have to automatically follow them, so where's the protection of the State with its own agencies such as DEQ versus delegating all its decision making to the federal level and the Environmental Protection Agency (EPA)? He also stated that the forty-two pages mentioned by Senator Hagedorn would increase to many more than that.

Ms. Floyd responded that Senator Guthrie's remarks and concerns could be true, if the State were to adopt the regulation changes and incorporated them by reference between the federal government regulations. She also added that the DEQ does track with a spreadsheet to monitor the federal changes so that when they are being incorporated with the State, they can be consistent with them. She went on to say that it is important to have State agencies such as DEQ to regulate within the State since they work closer with the local governments and industries, know the needs of the various groups, how to interact with them, are easier to reach, and find that they can be more effective and are more appreciated by the regulated community to work along with the State instead of the federal agencies. For DEQ's program to be a delegated authority through the EPA it is required through the Clean Air Act, and her agency feels it is better to serve the State with its own State programs and for the people to be able to interact with their own with State entities.

Senator Guthrie asked for clarification on the fact if the Committee does not adopt this measure we will be out of compliance, but she had also noted that the pages being stricken are in lieu of referencing the federal information. So if we kept the stricken pages, how could we be out of compliance if they're the same as the federal? There must be something beyond what we have that's in the federal reference or there would be no worry of being out of compliance.

Ms. Floyd stated that she understood Senator Guthrie's concern for being out of compliance but invited the Committee to look at the bigger picture for other areas where the federal government has made changes that need to be adopted within the State. The changes may not be for the area being discussed before the Committee now, but in other areas where if not adopted DEQ could be potentially out of compliance. She gave an example of the revised National Ambient Air Quality Standards (NAAQS) PM 2.5 reducing the annual standard from 15 micrograms per

cubic meter to 12. She pointed out that if DEQ did not make the change, they could be seen as out of compliance. This shows the bigger picture for the changes being made at the federal level.

Senator Lakey asked if the federal agencies have their set of regulations and so does the State, if the State's are different, does a company need to comply with both the State and the federal.

Ms. Floyd responded that the federal regulations would override the State regulations and a business would have to comply with the federal regulations first and foremost.

Senator Lakey clarified that with our adoption of the federal rules and regulations, it basically enables the State and DEQ to be a buffer with the local agencies versus the federal agencies. **Ms. Floyd** commented that yes, that was correct, and very well put by Senator Lakey.

Senator Lakey continued to ask about the current addition that seems to fit the old pattern but before there would be multiple pages at the end where they could list out their own. Asked if this was a new pattern, a trend, or something we're just now catching up to, and wanted to know the intent of just citing the federal? **Ms. Floyd** responded that the reason for citing the particular piece for the Committee is what is referred to as Federal Plan Requirements that are mission guidelines for these incinerators. Since these are existing facilities, where the numbers have changed that represents new facilities, NSPS or medical incinerators that are new. The existing facilities have been captured in the 861 and 862, but not here. The EPA has come out with existing mission guidelines and requirements DEQ is simply incorporating that information, and have not had that listed there before.

MOTION:

Senator Bock moved, seconded by **Chairman Heider** to approve **Docket No. 58-0101-1301**. **Senator Hagedorn** voiced his concern over the primacy of State law over federal regulations. He concurred with the previous comments from Senator Guthrie that you have to watch the Federal Registry every day for changes in regulations. If we are to accept this CFR as our regulation and tomorrow HHS comes out with another regulation that amends this it then becomes our State regulation. The Senator re-iterated his concern regarding primacy of State regulation over federal and how that would come about, as well as giving up our sovereignty over this particular issue, which is just one of many. **Senator Hagedorn** said he is concerned especially with turning so much of our regulatory authority over to the EPA, and that should not be when we have DEQ and use DEQ as a buffer. With his concerns, he will be voting no at this time.

Senator Bock mentioned that whatever the federal regulations are, they are the laws that we have to abide by assuming they are legitimate under the commerce clause and other constitutional provisions. By eliminating our regulations we (1) shorten our regulations and (2) the people that are responsible to comply to the regulations only have to go to one place to look for rules and changes. If an agency only looks to the State and there are inconsistencies between the State and federal regulations, the EPA can still come in and enforce its own regulations. It seems best to streamline the regulation, helps the State and helps the people required to comply with the regulations.

Senator Lakey requested to ask Ms. Floyd a question on sub-section H that references the CFR and its sub-part and notes that it was revised July 1, 2013. The Senator was curious if that date was in reference to the version of the CFR or in reference to this regulation in itself at the State level. **Ms. Floyd** responded that it is in reference to what we have here as of July 1, 2013. Again, this is an annual

thing, so it will be looked at again in 2014. The Federal Plan Requirements came out in May so this incorporates up to that point. Those promulgated in May are simply being accepted as of that date to match and to be consistent with the rest of them. **Senator Lakey** confirmed that there is and will be an opportunity to look at this every year and vote and say we are adopting the previous year's version and it will not be an automatic to be adopted without a say in the matter. **Ms. Floyd** confirmed that was correct.

Senator Hagedorn requested to know if the changes as of July 1, 2013 had a basis in change in the federal law or not? **Ms. Floyd** stated that to her understanding there was no change in federal law. **Senator Hagedorn** continued that he is concerned with either approving or disapproving the various CFRs that come before the Committee, with their regulation changes in the EPA not based on federal law, but on changes within the EPA itself. Those particular rules and regulations, unlike Idaho, are not reviewed by Congress, they are based on what the EPA has decided is best for our country. The Senator repeated his concern over relinquishing our state sovereignty to the EPA. He understands Senator Bock's argument to have one source, but if that were the case, there would be no need for any State agencies, we would allow everyone to go by the federal regulations. But we don't allow that because we are a sovereign State. He has not heard any valid arguments or discussions on why we should relinquish our control of management and oversight of these particular medical devices. He assured the Committee that he would be bring up that argument time and time again when the Committee is looking at something that would encourage giving up our State rights to govern over to a federal department (EPA).

Senator Bock re-iterated what Ms. Floyd had stated by repeating that this places DEQ in the position of dealing with these regulations and takes the EPA out of the picture which is a benefit that allows the groups required to comply to deal with a local State agency instead of at the federal level. If we do not follow the federal guidelines and the EPA comes in, it can disregard DEQ since DEQ is not consistent with federal law.

Senator Lakey added his concerns to Senator Hagedorn's as well as the concern over local companies having to deal with the EPA instead of DEQ. Since our State businesses that are being regulated did not show up to oppose the measure, he will vote in favor but will reserve the right to look into this further and perhaps change his vote when it comes around again.

Senator Schmidt commented that he understands that sovereignty is an important issue but if Idaho is going to regulate this industry it will have to grow government to invest, study, understand so it can make its own regulations. There is a certain amount of compromise that is required. He stated that he would be supporting this and understands the "dance that we do" between the State and federal government and their agencies is something to keep an eye on, but also has to be done.

Chairman Heider confirmed that the DEQ has to be in compliance with the EPA. So, if the EPA changes their regulations, regardless of what they are, in this particular case it is the regulation of burning medical waste in incinerators nationwide, it is up to the DEQ to insure that they are keeping in compliance with the EPA regulations. This way Idaho stays in compliance with what we are required to do. In our case we have the DEQ that is the enforcement agency for the EPA in the State of Idaho, which is better than having the EPA in Idaho even though the requirements they have to go by are the same. The question is which is more comfortable, a federal prison or a State prison if we're in violation. We should just as well be in compliance with what is required and let DEQ do their job to keep us

in compliance with the regulations. He went on to say that we don't have much of a choice, we can buck the system if we want, but the DEQ is required to comply with federal EPA regulations, so that is what we are trying to do here by setting the standard.

Senator Guthrie commented that there was more than one way to do things and it seemed as though the pages being deleted were in an effort to remain in compliance and that could be accomplished by adding a few lines to what already exists. Instead it appears as though we took the route to cede to the federal regulation instead of just adding the needed lines to the existing State regulations. The Senator voiced his concern over the process being taken and said he feels it could've been solved another way.

Vice Chairman Nuxoll stated that she appreciated the presentation by Ms. Floyd and the information presented on both sides. She reminded the Committee that the statement was made that we do have to follow the federal regulations, so in a sense the State really doesn't have any sovereignty. It's seems as though, with that fact, we don't even really need this since it doesn't apply to anything currently in the State. She noted that she understands that DEQ needs to follow the federal regulations for the State, but is concerned that the EPA is causing problems throughout the State as it is, and she will not vote for the measure.

**ROLL CALL
VOTE:**

Vice Chairman Nuxoll called for a Roll Call Vote to approve **Docket No. 58-0101-1301**. The results of the vote were: **Senators Heider, Martin, Lakey, Bock and Schmidt** voted Aye. **Senators Nuxoll, Hagedorn and Guthrie** voted Nay. The motion carried.

PRESENTATION: **Chris Stoker**, EMS Section Manager, Idaho Bureau of EMS & Preparedness, gave some background to the six dockets before the Committee. **Mr. Stoker** stated that these dockets are a continuation of the revision process that the EMS rules have been undergoing over the past few years. He stated the primary motivation for these revisions is that many of the rules governing EMS in Idaho date back to the 1990s (a few even to the 1970s). Much has changed in EMS over the last 20-30 years and there is a need for the rules to reflect current practices and advancements. They find themselves trying to apply outdated rules to modern concepts and it becomes very challenging for us as well as our stakeholders. None of the six dockets have a fiscal impact on the EMS program's dedicated funds or the State General Fund.

**Docket No.
16-0101-1301**

Emergency Medical Services - Advisory Committee (EMSAC): Mr. Stoker stated that he would be asking the Committee to adopt this docket effective July 1, 2014. He also stated that, while in the process of moving EMS rules into individual chapters they've found it cumbersome for each chapter to include its own definitions section. It requires their office and stakeholders to reference multiple chapters in order to find certain definitions. Also, there are many of the same or similar definitions found in multiple chapters of a rule. The docket before the Committee today addresses this issue by removing the definitions section from IDAPA 16.01.01 "EMS – Advisory Committee" and consolidating them in the proposed chapter, IDAPA 16.01.02 "EMS – Rule Definitions". This is the only change made to these rules.

Supporting documents related to this testimony have been archived and can be accessed in the office of the Committee Secretary (see attachment 2).

MOTION:

Senator Guthrie moved, seconded by **Senator Martin**, that the Committee approve **Docket No. 16-0101-1301**. The motion carried by **voice vote**.

**Docket No.
16-0102-1301**

Emergency Medical Services (EMS) - Rule Definitions: Mr. Stoker stated that this docket is also to be adopted effective July 1, 2014. This docket creates a rule chapter specifically for EMS definitions. It consists of a consolidation of all EMS definitions from IDAPA 16 Title 1 rule chapters. Creation of this rule chapter will provide a single source for EMS definitions and will ensure that the definitions are contemporary and consistent. EMS presented IDAPA 16.01.02 "EMS – Rule Definitions" at 13 town hall meetings throughout the State. During those meetings EMS gathered comments, concerns and recommendations from those in attendance. Whenever feasible, EMS made changes to the rule based on feedback we received.

Supporting documents related to this testimony have been archived and can be accessed in the office of the Committee Secretary (see attachment 3).

Chairman Heider asked that since there were no line outs in this section, he was wondering if it was just a matter of the numbering that changed, or what exactly the changes were.

Mr. Stoker responded that there are no line outs since this is a new chapter. EMS has lined out the previous definitions from the old chapter and moved them to this new chapter.

Vice Chairman Nuxoll clarified that there were no changes made, just definitions moved.

Mr. Stoker did concede that there were a few definitions that had some slight modifications, but the majority of the changes, additions or modifications, are in the new chapter which is the next docket he will present to the Committee.

Vice Chairman Nuxoll asked for the number of definitions that have been changed, three or four?

Mr. Stoker confirmed that the number of definitions that had modifications made were four.

MOTION:

Senator Martin moved, seconded by **Senator Bock**, that the Committee approve **Docket No. 16-0102-1301**. The motion carried by **voice vote**.

**DOCKET NO.
16-0103-1301**

Emergency Medical Services (EMS) - Agency Licensing Requirements: Mr. Stoker noted this docket is also being requested to be adopted effective July 1, 2014. Work on this rule was initiated in 2008. A task force of EMS representatives was organized and the proposed rule was drafted. It was presented at 12 town hall meetings where those in attendance could comment on the rule. After careful consideration of some problematic areas that were identified in the chapter we decided to withdraw the proposed agency licensure rules at that time. Early in 2013 we reengaged our stakeholders to address those problematic areas and rewrite the rules. EMS reconstituted their task force to assist in the negotiated rule writing process. EMS approached representatives from various EMS agencies in the State to include frontier, volunteer, professional, county, city, fire, hospital, tribal, and search and rescue based agencies. The task force successfully carried on the work that started in 2008. The EMS agency presented the rules at 13 additional town hall meetings throughout the State to gather comments, concerns and recommendations from EMS personnel and the public. Whenever feasible, they made changes to the rule based on feedback that was received. Following the 13 town hall meetings the Rule chapter was opened for public comment at 3 public hearings. During the public comment period no unfavorable testimonies were given. EMS took this as evidence that they had reached consensus with the vast

majority of stakeholders.

Supporting documents related to this testimony have been archived and can be accessed in the office of the Committee Secretary (see attachment 4).

Senator Schmidt noted that he appreciates the strategy that has been used to modify the rules, but wanted to walk through the process of how one would get set-up an ambulance business, get a license, but only cater to a certain area or population, how would he get a license.

Mr. Stoker answered that each license can be unique based on the business model of the particular needs of the organization requesting the license. There are different categories for the different service types of licenses being requested (first responders, ambulance, etc...) There are also operation declarations where a business would describe what they do (hospital, 911, inter-facilities transfers, etc...). Then the agency would identify a clinical level as well (basic, paramedic, EMT, intermediate, etc...). **Senator Schmidt** confirmed that answered his question.

Senator Hagedorn stated that he was unable to find the definition to the term "agency" and who determines what an "agency" is. **Mr. Stoker** answered that the definition is located in the previous docket, **Docket No. 16-0102-1301**, under the definition of "EMS Agency". **Senator Hagedorn** noted the information for "Affiliating EMS Agency" as well as "Air Medical Agency" but can see no information for what Senator Schmidt spoke about in regards to a private EMS Agency, where someone wants to start an air service or ambulance service and where the term "agency" can be defined for them. The Senator noted that typically an "agency" is a subdivision of a political organization, whether it's a fire or ambulance company, it's not typically a privately owned company being run as an "agency". Does the private citizen know that they can start an ambulance agency since it's not in the information before the Committee? **Mr. Stoker** referred Senator Hagedorn to page 18 under "EMS Agency" which states any organization licensed by the department then gives the section of code as well as the current docket under discussion, for any organization that operates an air, ambulance or non-transport service. There's also a definition in the Idaho Code that he could find for Senator Hagedorn if needed. **Senator Hagedorn** confirmed that he would be fine with that, he is just concerned that a private individual might be discouraged from opening or operating an ambulance service for the fear that he would not fit under the definition of an "agency".

Vice Chairman Nuxoll asked Mr. Stoker to answer for a scenario if she were in an accident or hurt in some way and needed ambulance service, who would be the least licensed person that could assist her in getting to the hospital and what would their requirements with this rule. **Mr. Stoker** answered that the Idaho Code has established that it must be, at the minimum, an EMT to treat and provide care in the back of an ambulance when transporting. There are agencies that do employ Emergency Responders (EMRs), but to actually transport, per code, it needs to be an EMT. **Vice Chairman Nuxoll** then requested information on the minimum licensing requirements for an EMT. **Mr. Stoker** answered that the information for licensing requirements will be addressed in the next docket before the Committee IDAPA 16-0107 EMS-Personnel Licensing Requirements. It consists of finishing their initial education, completing the National Registry Exams for licensure which is both a written and practical exam, a criminal history background check, and then going through the licensing process through the State EMS office. **Vice Chairman Nuxoll** asked if there was no ambulance service available at the time, would a private citizen get in trouble for taking her to the hospital. **Mr. Stoker** responded that anyone responding as a "Good Samaritan" can offer first aid and CPR at the scene of an accident. The problem comes when they start to advertise their service

as an EMS service they would need to be licensed as an EMS provider under an EMS agency with medical supervision.

MOTION: **Chairman Heider** moved, seconded by **Senator Martin**, that the Committee approve **Docket No. 16-0103-1301**. The motion carried by **voice vote**. **Vice Chairman Nuxoll** wanted to commend the EMS for their efforts to include both rural and city units in their discussions and studies.

DOCKET NO. 16-0107-1301 **Emergency Medical Services (EMS) - Personnel Licensing Requirements:** **Mr. Stoker** noted that this docket is also to be adopted effective July 1, 2014. The intent of this docket is to remove the definitions section from IDAPA 16.01.07 "EMS – Personnel Licensing Requirements" and places them in the proposed chapter, IDAPA 16.01.02 "EMS – Rule Definitions." This is the only change that they have made to these rules.

Supporting documents related to this testimony have been archived and can be accessed in the office of the Committee Secretary (see attachment 5).

MOTION: **Senator Schmidt** moved, seconded by **Senator Martin**, that the Committee approve **Docket No. 16-0107-1301**. The motion carried by **voice vote**.

DOCKET NO. 16-0112-1301 **Emergency Medical Services (EMS) - Complaints, Investigations and Disciplinary Actions:** **Mr. Stoker** informed the Committee that this docket is to be adopted effective July 1, 2014. The purpose of this docket is to remove the definitions section from IDAPA 16.01.12 "EMS – Complaints, Investigations, and Disciplinary Actions" and placing them in the proposed chapter, IDAPA 16.01.02 "EMS – Rule Definitions". This is the only change to these rules.

Supporting documents related to this testimony have been archived and can be accessed in the office of the Committee Secretary (see attachment 6).

Senator Guthrie asked if the change from "EMS Bureau" to "EMS Service and Preparedness" incurred any costs as far as signage, stationary, etc.. and what was the reason behind the change.

Mr. Stoker responded that the Public Health Preparedness Program existed previously under another bureau, then due to some re-organization in the division, the program was adopted by EMS, so the personnel just moved over in a lateral move within the division. This change is in line with a nation-wide move with a lot of states that are merging their preparedness program with their EMS program which is a natural fit that's been happening over the past year.

MOTION: **Senator Guthrie** moved, seconded by **Chairman Heider**, that the Committee approve **Docket No. 16-0112-1301**. The motion carried by **voice vote**.

DOCKET NO. 16-0203-1301 **Emergency Medical Services (EMS):** **Mr. Stoker** advised the Committee that this docket is also to be effective July 1, 2014. The EMS has been actively moving rules out of IDAPA 16.02.03 – "Emergency Medical Services" and into separate rule chapters. This docket is what remains of 16.02.03 after the existing agency licensing requirements have been removed and placed in 16.01.03 – "Agency Licensing Requirements". This change has required EMS to make some minor administrative changes to the section titles but the remaining content is unchanged.

Supporting documents related to this testimony have been archived and can be accessed in the office of the Committee Secretary (see attachment 7).

MOTION: **Senator Martin** moved, seconded by **Senator Bock**, that the Committee approve **Docket No. 16-0203-1301**. The motion carried by **voice vote**.

**PASSING OF
THE GAVEL:**

Vice Chairman Nuxoll returned the gavel to Chairman Heider.

ADJOURNED:

Chairman Heider thanked the Committee members and participants. He requested that the Committee members preview the items on the agenda before the meeting, and with that the meeting was adjourned at 4:30 P.M.

Senator Heider
Chair

Linda Hamlet
Secretary

Linda Harrison
Assistant Secretary