

Dear Senators HEIDER, Nuxoll, Schmidt, and
Representatives WOOD, Packer, Rusche:

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

IDAPA 16.01.01 - EMS Services - Advisory Committee - Proposed Rule (Docket No. 16-0101-1501);

IDAPA 16.01.02 - Emergency Medical Services (EMS) - Rule Definitions - Proposed Rule (Docket
No. 16-0102-1501);

IDAPA 16.01.03 - EMS Agency Licensing Requirements - Proposed Rule (Docket No.
16-0103-1501);

IDAPA 16.01.05 - EMS Education, Instructor, and Examination Requirements - Proposed Rule
(Docket No. 16-0105-1501);

IDAPA 16.01.07 - EMS - Personnel Licensing Requirements - Vacation of Proposed Rulemaking
(Docket No. 16-0107-1501);

IDAPA 16.01.07 - EMS- Personnel Licensing Requirements - Proposed Rule (Docket No.
16-0107-1502);

IDAPA 16.01.12 - EMS - Complaints, Investigations, and Disciplinary Actions - Proposed Rule
(Docket No. 16-0112-1501).

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 08/27/2015. 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 09/24/2015.

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: Legislative Research Analyst - Elizabeth Bowen

DATE: August 10, 2015

SUBJECT: Department of Health and Welfare

IDAPA 16.01.01 - EMS Services - Advisory Committee - Proposed Rule (Docket No. 16-0101-1501)

IDAPA 16.01.02 - Emergency Medical Services (EMS) - Rule Definitions - Proposed Rule (Docket No. 16-0102-1501)

IDAPA 16.01.03 - EMS Agency Licensing Requirements - Proposed Rule (Docket No. 16-0103-1501)

IDAPA 16.01.05 - EMS Education, Instructor, and Examination Requirements - Proposed Rule (Docket No. 16-0105-1501)

IDAPA 16.01.07 - EMS - Personnel Licensing Requirements - Vacation of Proposed Rulemaking (Docket No. 16-0107-1501)

IDAPA 16.01.07 - EMS- Personnel Licensing Requirements - Proposed Rule (Docket No. 16-0107-1502)

IDAPA 16.01.12 - EMS - Complaints, Investigations, and Disciplinary Actions - Proposed Rule (Docket No. 16-0112-1501)

The Department of Health and Welfare submits notice of proposed rulemaking at IDAPA 16.01.01, 16.01.02, 16.01.03, 16.01.05, 16.01.07, and 16.01.12.

1. IDAPA 16.01.01

The proposed rule adds a reference to a new rule, IDAPA 16.01.05, discussed below. Additionally, the proposed rule incorporates certain provisions from another rule, IDAPA 16.02.03, that is being repealed. Negotiated rulemaking was conducted. The Department states that the proposed rule is consistent with the rulemaking authority granted by Section 56-1023, Idaho Code. There is no anticipated fiscal impact to the state general fund.

2. IDAPA 16.01.02

The proposed rule updates an existing rule to reflect recent changes made to statutes and rules relating to emergency medical services (EMS). Specifically, the proposed rule includes several definitions of terms relating to education, evaluation, and paramedicine. Negotiated rulemaking was conducted. The Department states that the proposed rule is consistent with the rulemaking authority granted by Section 56-1023, Idaho Code. There is no anticipated fiscal impact to the state general fund.

3. IDAPA 16.01.03

The proposed rule amends existing EMS agency licensing requirements to be consistent with changes to statutes and rules relating to EMS. Provisions relating to record-keeping by EMS agencies have also been incorporated into the proposed rule. Negotiated rulemaking was conducted for related rules but not specifically for this rule. The Department states that the proposed rule is consistent with the rulemaking authority granted by Sections 56-1011 through 56-1023, Idaho Code. There is no anticipated fiscal impact to the state general fund.

4. IDAPA 16.01.05

The proposed rule provides updated education, instruction, and examination requirements for EMS personnel. The proposed rule replaces the education requirements found in IDAPA 16.02.03, which is being repealed. Negotiated rulemaking was conducted. The Department states that the proposed rule is consistent with the rulemaking authority granted by Section 56-1023, Idaho Code. There is no anticipated fiscal impact to the state general fund.

5. IDAPA 16.01.07

(a) Docket 16-0107-1501 -- This proposed rulemaking is being vacated in favor of the docket in (b) below.

(b) Docket 16-0107-1502 -- The proposed rule amends licensing requirements for EMS personnel to be consistent with the proposed rule at IDAPA 16.01.05, discussed above. The proposed rule also incorporates provisions from a rule, IDAPA 16.02.03, that is being repealed. Negotiated rulemaking was not conducted; however, the Department states that it has met with stakeholders around the state to discuss the rule. The proposed rule is based on concerns voiced during those meetings. According to the Department, the proposed rule is consistent with the rulemaking authority granted by Sections 56-1011 through 56-1023, Idaho Code. There is no anticipated fiscal impact to the state general fund.

6. IDAPA 16.01.12

The proposed rule amends existing language to be consistent with the proposed rule at IDAPA 16.01.05, discussed above. Negotiated rulemaking was not specifically conducted for this rule but was conducted for related rules. The Department states that the changes in this rule are being made for the sake of clarity. According to the Department, the proposed rule is consistent with the rulemaking authority granted by Sections 56-1011 through 56-1023, Idaho Code. There is no anticipated fiscal impact to the state general fund.

cc: Department of Health and Welfare
Tamara Prisock

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.01.01 - EMERGENCY MEDICAL SERVICES (EMS) -- ADVISORY COMMITTEE (EMSAC)

DOCKET NO. 16-0101-1501

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 Section 56-1023, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

Tuesday, August 11, 2015 - 10:00 a.m. MDT

**2224 East Old Penitentiary Road
Boise, ID 83712**

**PARTICIPATION BY WEBINAR
(for those who are unable to attend the hearing)**

**To join the webinar, go to:
<https://global.gotomeeting.com/join/553709749>**

Use your microphone and speakers (VoIP) -- a headset is recommended. Or, call in using your telephone.

Dial: 1 (646) 749-3122
Access Code: 553-709-749

**Audio PIN: Shown after joining the meeting using URL above
Meeting ID: 553-709-749**

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:

A new chapter containing EMS education requirements is being promulgated (IDAPA 16.01.05). As part of its responsibilities, EMSAC reviews educational curricula and standards. A citation to this new chapter needs to be added to the portion of the EMSAC rules that describes EMSAC responsibilities related to EMS education. In addition, the current EMS chapter (IDAPA 16.02.03) is being repealed and some requirements from that chapter (e.g., regarding advance "do not resuscitate" directives) need to be moved into this chapter so that they remain in effect.

The negotiated rulemaking meetings listed above will allow stakeholders to provide their input concerning the rules that are being revised, updated, and reorganized into this new EMS education chapter.

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 negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking:

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(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published three (3) times: in the March 4, 2015, Idaho Administrative Bulletin, **Vol. 15-3, pages 13-15**; the April 1, 2015, Idaho Administrative Bulletin, **Vol. 15-4, pages 28-30**; and the May 6, 2015, Idaho Administrative Bulletin, **Vol. 15-5, pages 53-54**.

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 proposed rule, contact Bruce Cheeseman 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 August 26, 2015.

DATED this 7th Day of July, 2015.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
(208) 334-5500 phone; (208) 334-6558 fax
E-mail: dhwrules@dhw.idaho.gov

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 16-0101-1501
(Only those Sections being amended are shown.)**

110. EMS ADVISORY COMMITTEE MEMBERSHIP.

The Statewide EMS Advisory Committee must include the following representatives: (3-29-12)

01. Idaho Transportation Department. One (1) representative recommended by the Idaho Transportation Department, Office of Highway Operations and Safety. (3-29-12)

02. American College of Emergency Physicians (ACEP). One (1) representative recommended by the Idaho Chapter of American College of Emergency Physicians (ACEP). (3-29-12)

03. American College of Surgeons. One (1) representative recommended by the Committee on Trauma of the Idaho Chapter of the American College of Surgeons. (3-29-12)

04. Idaho Board of Nursing. One (1) representative recommended by the Idaho Board of Nursing. (3-29-12)

05. Idaho Medical Association. One (1) representative recommended by the Idaho Medical Association. (3-29-12)

06. Idaho Hospital Association. One (1) representative recommended by the Idaho Hospital Association. (3-29-12)

07. Idaho Association of Counties. One (1) representative of local government recommended by the Idaho Association of Counties. (3-29-12)

08. Career Third Service EMS/Ambulance Service. One (1) representative of a Career Third Service EMS/Ambulance Service. (3-29-12)

09. Volunteer Third Service EMS/Ambulance Service. One (1) representative of a volunteer third

service EMS/ambulance service. (3-29-12)

10. Third Service Nontransport EMS Service. One (1) representative of a third service nontransport EMS service. (3-29-12)

11. Idaho Fire Chiefs Association. One (1) representative of a fire department-based EMS/ambulance service recommended by the Idaho Fire Chiefs Association. (3-29-12)

12. Fire Department-Based Nontransport EMS Service. One (1) representative of a fire department-based nontransport EMS service. (3-29-12)

13. Air Medical Service. One (1) representative of an air medical service. (3-29-12)

14. Emergency Medical Technician. One (1) Emergency Medical Technician who represents the interests of Idaho personnel licensed at that level. (3-29-12)

15. Advanced Emergency Medical Technician. One (1) Advanced Emergency Medical Technician who represents the interests of Idaho personnel licensed at that level. (3-29-12)

16. Paramedic. One (1) paramedic who represents the interests of Idaho personnel licensed at that level. (3-29-12)

17. Administrative County EMS Director. One (1) representative who is an Administrative County EMS Director. (3-29-12)

18. EMS Instructor. One (1) EMS instructor who represents the interests of Idaho EMS educators and evaluators. (3-29-12)

19. Consumer. One (1) Idaho citizen with experience involving EMS; (3-29-12)

20. Private EMS Ambulance Service. One (1) representative of a private EMS ambulance service. (3-29-12)

21. American Academy of Pediatrics. One (1) pediatrician who represents the interests of children in the EMS system recommended by the Idaho Chapter of the American Academy of Pediatrics. (3-29-12)

22. Pediatric Emergency Medicine Physician. One (1) board-certified, or equivalent, Pediatric Emergency Medicine Physician. (3-29-12)

23. Public Health District. One (1) representative from one (1) of Idaho's seven (7) public health districts. ()

111. -- 119. (RESERVED)

120. RESPONSIBILITIES OF THE EMS ADVISORY COMMITTEE.

The EMS Advisory Committee will meet at least annually, or as needed, for the purposes of: (3-29-12)

01. ~~Reviewing~~ Policies and Procedures. Reviewing policies and procedures for provision of emergency medical services and recommending same to the EMS Bureau. ~~(3-29-12)~~()

02. ~~Establishing Standard Protocols for EMS Personnel to Respond to~~ Advance **Do Not Resuscitate (DNR) Directives. ~~The protocols will be reviewed at least annually to determine if changes in protocol need to be made in order to reflect technological advances~~ Establishing a standard protocol for EMS personnel to respond to advance DNR directives. (3-29-12)()**

a. The protocol will be reviewed at least annually to determine if changes in protocol should be made to reflect technological advances. The EMSAC must notify the Department of any changes made to the protocols.

- ()
- b.** The Department will notify Idaho EMS personnel of the DNR protocol and any subsequent changes. ()
- c.** The legal requirements for advance DNR directives are provided under Title 39, Chapter 45, Idaho Code. ()
- 03. ~~Reviewing~~ Educational Curricula and Standards.** Reviewing EMS education curricula, education standards, and examination processes described in IDAPA 16.01.05, "Emergency Medical Services (EMS) -- Education, Instructor, and Examination Requirements," and providing their recommendingations same regarding EMS education and examination to the EMS Bureau. (3-29-12)()
- 04. Personnel Licensing Policies and Standards.** Making recommendations to the EMS Bureau regarding implementation of personnel licensing policy and standards. (3-29-12)
- 05. ~~Reviewing~~ Grant Applications.** Reviewing grant applications and making recommendations for eligibility and awards for the dedicated grant funds program in accordance with IDAPA 16.02.04, "Rules Governing Emergency Medical Services Account III Grants," Section 300. (3-29-12)()
- 06. Ambulance and Nontransport Services.** Reviewing and making recommendations on the licensing of ambulance and of nontransport services in Idaho. (3-29-12)

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.01.02 - EMERGENCY MEDICAL SERVICES (EMS) -- RULE DEFINITIONS

DOCKET NO. 16-0102-1501

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 Section 56-1023, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

Tuesday, August 11, 2015 - 10:00 a.m. MDT

**2224 East Old Penitentiary Road
Boise, ID 83712**

**PARTICIPATION BY WEBINAR
(for those who are unable to attend the hearing)**

To join the webinar, go to:
<https://global.gotomeeting.com/join/553709749>

Use your microphone and speakers (VoIP) -- a headset is recommended. Or, call in using your telephone.

Dial: 1 (646) 749-3122
Access Code: 553-709-749

Audio PIN: Shown after joining the meeting using URL above
Meeting ID: 553-709-749

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:

A new chapter containing EMS education requirements is being promulgated. Updates are being made to this chapter to align it with the new EMS education chapter, to related changes being made in the existing EMS personnel licensing chapter, and to recent additions to EMS statutes.

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 negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking:

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(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published three (3) times: in the March 4, 2015, Idaho Administrative Bulletin, **Vol. 15-3, pages 13-15**; the April 1, 2015, Idaho Administrative Bulletin, **Vol. 15-4, pages 28-30**; and the May 6, 2015, Idaho Administrative Bulletin, **Vol. 15-5, pages 53-54**.

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 proposed rule, contact Bruce Cheeseman 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 August 26, 2015.

DATED this 7th Day of July, 2015.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
(208) 334-5500 phone; (208) 334-6558 fax
E-mail: dhwrules@dhw.idaho.gov

THE FOLLOWING IS THE TEXT PROPOSED FOR DOCKET NO. 16-0102-1501
(Only those Sections being amended are shown.)

001. TITLE AND SCOPE.

- 01. Title.** The title of these rules is IDAPA 16.01.02, "Emergency Medical Services (EMS) -- Rule Definitions." (7-1-14)
- 02. Scope.** These rules contain the definitions used throughout the Emergency Medical Services chapters of rules adopted by the Department. Those chapters include: (7-1-14)
- a.** IDAPA 16.01.01, "Emergency Medical Services (EMS) -- Advisory Committee (EMSAC)"; (7-1-14)
 - b.** IDAPA 16.01.03, "Emergency Medical Services (EMS) -- Agency Licensing Requirements"; (7-1-14)
 - c.** IDAPA 16.01.05, "Emergency Medical Services (EMS) -- Education, Instructor, and Examination Requirements"; ()
 - d.** IDAPA 16.01.07, "Emergency Medical Services (EMS) -- Personnel Licensing Requirements"; and (7-1-14)()
 - d.e.** IDAPA 16.01.12, "Emergency Medical Services (EMS) -- Complaints, Investigations and Disciplinary Actions." ;-and (7-1-14)()
 - e.** IDAPA 16.02.03, "Emergency Medical Services." (7-1-14)

(BREAK IN CONTINUITY OF SECTIONS)

011. DEFINITIONS AND ABBREVIATIONS C THROUGH E.

For the purposes of the Emergency Medical Services (EMS) chapters of rules, the following definitions apply: (7-1-14)

01. Call Volume. The number of requests for service that an agency either anticipated or responded to during a designated period of time. (7-1-14)

02. Candidate. Any individual who is requesting an EMS personnel license under Sections 56-1011 through 56-1023, Idaho Code, IDAPA 16.01.07, "Emergency Medical Services (EMS) - Personnel Licensing Requirements." (7-1-14)

03. Certificate of Eligibility. Documentation that an individual is eligible for affiliation with an EMS agency, having satisfied all requirements for an EMS Personnel Licensure except for affiliation, but is not licensed to practice. (7-1-14)

04. Certification. A credential issued ~~to by an individual by the Department~~ designated certification body for a specified period of time indicating that minimum standards have been met. (7-1-14)()

05. Certified EMS Instructor. An individual approved by the Department, who has met the requirements in IDAPA 16.021.035, "Emergency Medical Services (EMS) -- Education, Instructor, and Examination Requirements," to provide EMS education and training. (7-1-14)()

06. CoAEMSP, Committee on Accreditation of Educational Programs for the Emergency Medical Services Professions. ()

07. Cognitive Exam. Computer-based exam to demonstrate knowledge learned during an EMS education program. ()

068. Compensated Volunteer. An individual who performs a service without promise, expectation, or receipt of compensation other than payment of expenses, reasonable benefits or a nominal fee to perform such services. This individual cannot be a part-time or full-time employee of the same organization performing the same services as a volunteer and employee. (7-1-14)

09. Conflict of Interest. A situation in which a decision by personnel acting in their official capacity is influenced by or may be a benefit to their personal interests. ()

10. Consolidated Emergency Communications System. Facilities, equipment, and dispatching services directly related to establishing, maintaining, or enhancing a 911 emergency communications service defined in Section 31-4802, Idaho Code. ()

11. Core Content. Set of educational goals, explicitly taught (and not taught), focused on making sure that all students involved learn certain material tied to a specific educational topic and defines the entire domain of out-of-hospital practice and identifies the universal body of knowledge and skills for emergency medical services providers who do not function as independent practitioners. ()

12. Course. The specific portions of an education program that delineate the beginning and the end of an individual's EMS education. A course is also referred to as a "section" on the NREMT website. ()

13. Course Physician. A physician charged with reviewing and approving both the clinical and didactic content of a course. ()

0714. Credentialing. The local process by which licensed EMS personnel are authorized to provide medical care in the out-of-hospital, hospital, and medical clinic setting, including the determination of a local scope of practice. (7-1-14)

0815. Credentialed EMS Personnel. Individuals who are authorized to provide medical care by the EMS medical director, hospital supervising physician, or medical clinic supervising physician. (7-1-14)

0916. Critical Care. The treatment of a patient with continuous care, monitoring, medication, or procedures requiring knowledge or skills not contained within the Paramedic curriculum approved by the State Health Officer. Interventions provided by Paramedics are governed by the scope of practice defined in IDAPA

16.02.02, “Rules of the Idaho Emergency Medical Services (EMS) Physician Commission.” (7-1-14)

~~107~~. **Critical Care Agency.** An ambulance or air medical EMS agency that advertises and provides all of the skills and interventions defined as critical care in IDAPA 16.02.02, “Rules of the Idaho Emergency Medical Services (EMS) Physician Commission.” (7-1-14)

~~118~~. **Department.** The Idaho Department of Health and Welfare. (7-1-14)

~~129~~. **Director.** The Director of the Idaho Department of Health and Welfare or his designee. (7-1-14)

~~1320~~. **Division.** The Division of Public Health, Idaho Department of Health and Welfare. (7-1-14)

~~1421~~. **Emergency.** A medical condition, the onset of which is sudden, that manifests itself by symptoms of sufficient severity, including severe pain, that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in placing the person’s health in serious jeopardy, or in causing serious impairments of bodily function or serious dysfunction of any bodily organ or part. (7-1-14)

~~1522~~. **Emergency Medical Care.** The care provided to a person suffering from a medical condition, the onset of which is sudden, that manifests itself by symptoms of sufficient severity, including severe pain, that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in placing the person’s health in serious jeopardy, or in causing serious impairments of bodily function or serious dysfunction of any bodily organ or part. (7-1-14)

~~1623~~. **Emergency Medical Responder (EMR).** An EMR is a person who: (7-1-14)

a. Has met the qualifications for licensure in Sections 56-1011 through 56-1023, Idaho Code, and IDAPA 16.01.07, “Emergency Medical Services - 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 EMR 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)

~~1724~~. **Emergency Medical Services (EMS).** Under Section 56-1012(12), Idaho Code, emergency medical services or EMS is aid rendered by an individual or group of individuals who do the following: (4-11-15)

a. Respond to a perceived need for medical care in order to prevent loss of life, aggravation of physiological or psychological illness, or injury; (4-11-15)

b. Are prepared to provide interventions that are within the scope of practice as defined by the Idaho Emergency Medical Services Physician Commission (EMSPC), under IDAPA 16.02.02, “Rules of the Idaho Emergency Medical Services (EMS) Physician Commission”; (4-11-15)

c. Use an alerting mechanism to initiate a response to requests for medical care; and (4-11-15)

d. Offer, advertise, or attempt to respond as described in Section 56-1012(12), (a) through (c), Idaho Code. (4-11-15)

e. Aid rendered by a ski patroller, as described in Section 54-1804(1)(h), Idaho Code, is not EMS. (4-11-15)

~~1825~~. **Emergency Medical Services Advisory Committee (EMSAC).** The statewide advisory board of the Department as described in IDAPA 16.01.01, “Emergency Medical Services (EMS) - Advisory Committee

(EMSAC).” EMSAC members are appointed by the Director of the Idaho Department of Health and Welfare to provide counsel to the Department on administering the EMS Act. (7-1-14)

~~19~~**26.** **EMS Agency.** Any organization 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,” that operates an air medical service, ambulance service, or non-transport service. (7-1-14)

~~20~~**7.** **EMS Bureau.** The Bureau of Emergency Medical Services (EMS) & Preparedness of the Idaho Department of Health and Welfare. (7-1-14)

~~28.~~ **EMS Education Program.** The institution or agency holding an EMS education course. ()

~~29.~~ **EMS Education Program Director.** The individual responsible for an EMS educational program or programs. ()

~~30.~~ **EMS Education Program Objectives.** The measurable outcome used by the program to determine student competencies. ()

~~24~~**31.** **EMS Medical Director.** A physician who supervises the medical activities of licensed personnel affiliated with an EMS agency. (7-1-14)

~~22~~**32.** **EMS Physician Commission (EMSPC).** The Idaho Emergency Medical Services Physician Commission created under Section 56-1013A, Idaho Code, also referred to as “the Commission.” (7-1-14)

~~23~~**3.** **Emergency Medical Technician (EMT).** An EMT is a person who: (7-1-14)

a. Has met the qualifications for licensure in Sections 56-1011 through 56-1023, Idaho Code, and IDAPA 16.01.07, “Emergency Medical Services - Personnel Licensing Requirements”; (7-1-14)

b. Is licensed by the EMS Bureau 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 EMT 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)

~~24~~**34.** **Emergency Scene.** Any setting outside of a hospital, with the exception of the inter-facility transfer, in which the provision of EMS may take place. (7-1-14)

012. DEFINITIONS AND ABBREVIATIONS F THROUGH N.

For the purposes of the Emergency Medical Services (EMS) chapters of rules, the following definitions apply: (7-1-14)

~~01.~~ **Formative Evaluation.** Assessment, including diagnostic testing, is a range of formal and informal assessment procedures employed by teachers during the learning process. ()

~~02.~~ **Full-Time Paid Personnel.** Personnel who perform a service with the promise, expectation, or receipt of compensation for performing such services. Full-time personnel differ from part-time personnel in that full-time personnel work a more regular schedule and typically work more than thirty-five (35) hours per week. (7-1-14)

~~03.~~ **Glasgow Coma Score (GCS).** A scale used to determine a patient's level of consciousness. It is a rating from three (3) to fifteen (15) of the patient's ability to open his eyes, respond verbally, and move normally. The GCS is used primarily during the examination of patients with trauma or stroke. (7-1-14)

~~03.~~ **Ground Transport Time.** The total elapsed time calculated from departure of the ambulance from the scene to arrival of the ambulance at the patient destination. (7-1-14)

045. Hospital. A facility in Idaho licensed under Sections 39-1301 through 39-1314, Idaho Code, and defined in Section 39-1301(a)(1), Idaho Code. (7-1-14)

06. Instructor. Person who assists a student in the learning process and meets the requirements to obtain instructor certification. ()

07. Instructor Certification. A credential issued to an individual by the Department for a specified period of time indicating that minimum standards for providing EMS instruction under IDAPA 16.01.05, "Emergency Medical Services (EMS) -- Education, Instructor, and Examination Requirements," have been met. ()

058. Intermediate Life Support (ILS). The provision of medical care, medication administration, and treatment with medical devices which correspond to the knowledge and skill objectives in the AEMT 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 AEMTs by the Department. (7-1-14)

069. Investigation. Research of the facts concerning a complaint or issue of non-compliance which may include performing or obtaining interviews, inspections, document review, detailed subject history, phone calls, witness statements, other evidence, and collaboration with other jurisdictions of authority. (7-1-14)

0710. License. A document issued by the Department to an agency or individual authorizing specified activities and conditions as described under Sections 56-1011 through 56-1023, Idaho Code. (7-1-14)

0811. Licensed Personnel. Those individuals who are licensed by the Department as Emergency Medical Responders (EMR), Emergency Medical Technicians (EMT), Advanced Emergency Medical Technicians (AEMT), and Paramedics. (7-1-14)

0912. Licensed Professional Nurse. A person who meets all the applicable requirements and is licensed to practice as a Licensed Professional Nurse under Sections 54-1401 through 54-1418, Idaho Code. (7-1-14)

103. Local Incident Management System. The local system of interagency communications, command, and control established to manage emergencies or demonstrate compliance with the National Incident Management System. (7-1-14)

114. Medical Supervision Plan. The written document describing the provisions for medical supervision of licensed EMS personnel. (7-1-14)

125. National Registry of Emergency Medical Technicians (NREMT). An independent, non-governmental, not for profit organization which prepares validated examinations for the state's use in evaluating candidates for licensure. (7-1-14)

136. Non-transport Agency. An agency licensed by the Department, operated with the intent to provide personnel or equipment for medical stabilization at an emergency scene, but not intended to be the service that will actually transport sick or injured persons. (7-1-14)

147. Non-transport Vehicle. Any vehicle operated by an agency with the intent to provide personnel or equipment for medical stabilization at an emergency scene, but not intended as the vehicle that will actually transport sick or injured persons. (7-1-14)

158. Nurse Practitioner. An Advanced Practice Professional Nurse, licensed in the category of Nurse Practitioner, as defined in IDAPA 23.01.01, "Rules of the Idaho Board of Nursing." (7-1-14)

013. DEFINITIONS AND ABBREVIATIONS O THROUGH Z.

For the purposes of the Emergency Medical Services (EMS) chapters of rules, the following definitions apply: (7-1-14)

01. Optional Module. Optional modules (OMs) are skills identified by the EMS Physician Commission that exceed the floor level Scope of Practice for EMS personnel and may be adopted by the agency medical director. ()

012. **Out-of-Hospital.** Any setting outside of a hospital, including inter-facility transfers, in which the provision of EMS may take place. (7-1-14)

023. **Paramedic.** A paramedic is a person who: (7-1-14)

a. Has met the qualifications for licensure in Sections 56-1011 through 56-1023, Idaho Code, and IDAPA 16.01.07, "Emergency Medical Services - Personnel Licensing Requirements"; (7-1-14)

b. Is licensed by the EMS Bureau 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 paramedic 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)

04. Paramedic. Providing emergency care to sick and injured patients at the advanced life support (ALS) level with defined roles and responsibilities to be credentialed at the Paramedic level. ()

035. **Part-Time Paid Personnel.** Personnel who perform a service with the promise, expectation, or receipt of compensation for performing such services. Part-time personnel differ from the full-time personnel in that the part-time personnel typically work an irregular schedule and work less than thirty-five (35) hours per week. (7-1-14)

046. **Patient.** A sick, injured, incapacitated, or helpless person who is under medical care or treatment. (7-1-14)

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

068. **Patient Care.** The performance of acts or procedures under emergency conditions in responding to a perceived individual need for immediate care in order to prevent loss of life, aggravation of physiological or psychological illness, or injury. (7-1-14)

079. **Patient Movement.** The relatively short distance transportation of a patient from an off-highway emergency scene to a rendezvous with an ambulance or air ambulance. (7-1-14)

0810. **Patient Transport.** The transportation of a patient by ambulance or air ambulance from a rendezvous or emergency scene to a medical care facility. (7-1-14)

0911. **Physician.** A person who holds a current active license in accordance with Section 54-1803, Idaho Code, issued by the State Board of Medicine to practice medicine and surgery, osteopathic medicine and surgery, or osteopathic medicine in Idaho and is in good standing with no restrictions upon, or actions taken against, his license. (7-1-14)

102. **Physician Assistant.** A person who meets all the applicable requirements and is licensed to practice as a licensed physician assistant under Title 54, Chapter 18, Idaho Code. (7-1-14)

113. **Planned Deployment.** The deliberate, planned placement of EMS personnel outside of an affiliating agency's deployment model declared on the application under which the agency is currently licensed. (7-1-14)

~~124~~. **Prehospital.** Any setting outside of a hospital, with the exception of transfers, in which the provision of EMS may take place. (7-1-14)

~~15~~. **Psychomotor Exam.** Practical demonstration of skills learned during an EMS education course. ()

~~136~~. **Response Time.** The total time elapsed from when the agency receives a call for service to when the agency arrives and is available at the scene. (7-1-14)

~~147~~. **Skills Proficiency.** The process overseen by an EMS agency medical director to verify competency in psychomotor skills. (7-1-14)

~~158~~. **State Health Officer.** The Administrator of the Division of Public Health. (7-1-14)

~~19~~. **Summative Evaluation.** End of topic or end of course evaluation that covers both didactic and practical skills application. ()

~~1620~~. **Supervision.** The medical direction by a licensed physician of activities provided by licensed personnel affiliated with a licensed ambulance, air medical, or non-transport service, including: (7-1-14)

a. Establishing standing orders and protocols; (7-1-14)

b. Reviewing performance of licensed personnel; (7-1-14)

c. Providing instructions for patient care via radio or telephone; and (7-1-14)

d. Other oversight. (7-1-14)

~~1721~~. **Third Service.** A public EMS agency that is neither law-enforcement nor fire-department based. (7-1-14)

~~1822~~. **Transfer.** The transportation of a patient from one (1) medical care facility to another. (7-1-14)

~~1923~~. **Uncompensated Volunteer.** An individual who performs a service without promise, expectation, or receipt of any compensation for the services rendered. An uncompensated volunteer cannot be a part-time or full-time employee of the same organization performing the same services as a volunteer and employee. (7-1-14)

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

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

DOCKET NO. 16-0103-1501

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 56-1011 through 56-1023, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

Tuesday, August 11, 2015 - 10:00 a.m. MDT

**2224 East Old Penitentiary Road
Boise, ID 83712**

**PARTICIPATION BY WEBINAR
(for those who are unable to attend the hearing)**

**To join the webinar, go to:
<https://global.gotomeeting.com/join/553709749>**

Use your microphone and speakers (VoIP) -- a headset is recommended. Or, call in using your telephone.

Dial: 1 (646) 749-3122
Access Code: 553-709-749

**Audio PIN: Shown after joining the meeting using URL above
Meeting ID: 553-709-749**

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:

The EMS Agency Licensing rules are being amended to align with a new chapter of rules being written that provide the education, instructor, and examination standards an individual must meet to be a licensed EMS provider in Idaho. These rules also include additions and references to rules from the repeal of IDAPA 16.02.03, "Emergency Medical Services," and the new chapter in IDAPA 16.01.05, "Emergency Medical Services (EMS) -- Education, Instructors, and Examination Requirements."

Updates have been made for Operational Declarations for prehospital, community health EMS, and air medical support. Agency records that were in the repealed chapter have also been added into these rules.

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:

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 held under the Personnel Licensing and the Education chapters, but not specifically for EMS agencies. The changes in this rule are being made to align with the new chapter and add requirements from the repealed chapter.

INCORPORATION BY REFERENCE: There are no documents incorporated in this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Bruce Cheeseman 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 August 26, 2015.

DATED this 7th Day of July, 2015.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
(208) 334-5500 phone; (208) 334-6558 fax
E-mail: dhwrules@dhw.idaho.gov

**THE FOLLOWING IS THE PROPOSED TEXT FOR DOCKET NO. 16-0103-1501
(Only those Sections being amended are shown.)**

204. GROUND EMS AGENCY -- OPERATIONAL DECLARATIONS.

An agency providing ground services is licensed with one (1) or more of the following operational declarations depending on the services that the agency advertises or offers. (7-1-14)

01. Prehospital. The prehospital operational declaration is available to an agency ~~with that:~~ ()

a. ~~Has~~ primary responsibility for responding to calls for EMS within their designated geographic coverage area: ~~and~~ (7-1-14)()

b. ~~Is dispatched to prehospital emergency medical calls by a consolidated emergency communications system.~~ ()

02. Prehospital Support. The prehospital support operational declaration is available to an agency that: ()

a. ~~Provides~~ support under agreement to a prehospital agency having primary responsibility for responding to calls for EMS within a designated geographic coverage area: ~~and~~ (7-1-14)()

b. ~~Is dispatched to prehospital emergency medical calls by a consolidated emergency communications system.~~ ()

03. Community Health EMS. The community health EMS operational declaration is available to an agency with a prehospital operational declaration ~~or prehospital support operational declaration~~ that provides personnel and equipment for medical assessment and treatment at a non-emergency scene or at the direction of a physician or independent practitioner. (7-1-14)()

04. Transfer. The transfer operational declaration is available to an ambulance agency that provides EMS personnel and equipment for the transportation of patients from one (1) medical care facility in their designated

geographic coverage area to another. An agency with this operational declaration must declare which sending facilities it routinely responds to if requested. (7-1-14)

05. Standby. The standby operational declaration is available to an agency that provides EMS personnel and equipment to be staged at prearranged events within their designated geographic coverage area. (7-1-14)

06. Non-Public. The non-public operational declaration is available to an agency that provides EMS personnel and equipment intended to treat patients who are employed or contracted by the license holder. An agency with a non-public operational declaration is not intended to treat members of the general public. A non-public agency must maintain written plans for patient treatment and transportation. (7-1-14)

205. AIR MEDICAL AGENCY -- OPERATIONAL DECLARATIONS.

An agency providing air medical services is licensed with one (1) or ~~both~~ more of the following operational declarations depending on the services that the agency advertises or offers. Service levels, geographic coverage areas, and resources may differ between the operational declarations under which an agency is licensed. ~~(7-1-14)~~()

01. Air Medical Transport. The air medical transport operational declaration is available to an air medical agency that provides transportation of patients by air ambulance from a rendezvous or emergency scene to a medical care facility within its designated geographic coverage area. (7-1-14)

02. Air Medical Transfer. The air medical transfer operational declaration is available to an Air Medical I agency that provides transportation of patients by air ambulance from one (1) medical care facility in its designated geographic coverage area to another. An agency with this operational declaration must declare which sending facilities it routinely responds to if requested. (7-1-14)

03. Air Medical Support. The air medical support operational declaration is available to an air medical agency that provides transportation of patients from an emergency scene to a rendezvous with a ground or air medical transport agency within its designated response area. ()

(BREAK IN CONTINUITY OF SECTIONS)

300. EMS AGENCY -- GENERAL PERSONNEL REQUIREMENTS.

Personnel must be licensed according to IDAPA 16.01.07, "Emergency Medical Services (EMS) -- Personnel Licensing Requirements." (7-1-14)

01. Personnel Requirements for EMS Agency Licensure. Each agency must ensure availability of affiliated personnel licensed and credentialed at or above the ~~agency's highest~~ clinical level for the entire anticipated call volume for each of the agency's operational declarations. ~~(7-1-14)~~()

02. Personnel Requirements for an Agency Utilizing Emergency Medical Dispatch. An agency dispatched by ~~a public safety answering point (PSAP)~~ a consolidated emergency communications system that uses an emergency medical dispatch (EMD) process to determine the clinical needs of the patient must ensure availability of personnel licensed and credentialed at clinical levels appropriate to the anticipated call volume for each of the clinical levels the agency provides. ~~(7-1-14)~~()

03. Personnel Requirements for Prehospital ALS. A licensed Paramedic must be present whenever prehospital, prehospital support, or air medical transport ALS services are provided. (7-1-14)

(BREAK IN CONTINUITY OF SECTIONS)

305. AMBULANCE-BASED CLINICIANS -- PERSONNEL REQUIREMENTS.

01. Ambulance-Based Clinician Certified by Department. An EMS agency that advertises or provides out-of-hospital patient care by affiliating and utilizing a currently licensed professional nurse, advanced practice professional nurse, or physician assistant, as defined in IDAPA 16.01.02, "Emergency Medical Services (EMS) - Rule Definitions," must ensure that those individuals maintain a current ambulance-based clinician certificate issued by the Department. See Section 306 of these rules for exceptions to this requirement. (7-1-14)

02. Obtaining an Ambulance-Based Clinician Certificate. An agency, on behalf of an individual who desires an ambulance-based clinician certificate, must provide the following information on the Department's application for a certificate: (7-1-14)

a. Documentation that the individual holds a current, unrestricted license to practice issued by the Board of Medicine or Board of Nursing; and (7-1-14)

b. Documentation that the individual has successfully completed an ambulance-based clinician course; or (7-1-14)

c. Documentation that the individual has successfully completed an EMT course. (7-1-14)

03. Maintaining an Ambulance-Based Clinician Certificate. An ambulance-based clinician certificate is valid for as long as the holder of the certificate is continuously licensed by his respective licensing board. (7-1-14)

04. Revocation of an Ambulance-Based Clinician Certificate. The Department may revoke an ambulance-based clinician certificate based on the procedures for administrative license actions described in IDAPA 16.01.12, "Emergency Medical Services (EMS) -- Complaints, Investigations, and Disciplinary Actions." (7-1-14)

~~**05. Currently Practicing Ambulance-Based Clinicians.** In order to continue the utilization of an ambulance-based clinician, an EMS agency must ensure that its currently practicing clinicians have obtained the Department issued ambulance-based clinician certificate by July 1, 2015. (7-1-14)~~

~~**06.5. Licensed Personnel Requirements and Ambulance-Based Clinicians.** An EMR/BLS, EMT/BLS, or AEMT/ILS agency may use ambulance-based clinicians to meet the licensed personnel requirements for agency licensure. (7-1-14)~~

~~**07.6. Agency Responsibilities for Ambulance-Based Clinicians.** The agency must verify that each ambulance-based clinician possess a current ambulance-based clinician certificate issued by the Department. The agency must ensure that any ambulance-based clinician meets additional requirements of the corresponding licensing board. (7-1-14)~~

(BREAK IN CONTINUITY OF SECTIONS)

535. EMS AGENCY -- RECORDS, DATA COLLECTION, AND SUBMISSION REQUIREMENTS. Each EMS agency must comply with the following records, data collection, and submission requirements required in IDAPA 16.02.03, "Emergency Medical Services," Section 435. (7-1-14)()

01. Records to be Maintained by Ambulance and Air Medical Agencies. Each EMS ambulance and air medical agency must maintain records of each ambulance and air ambulance response and submit them to the EMS Bureau at least quarterly in a form approved by the EMS Bureau. These records must include at least the following information: ()

a. Name of ambulance service; ()

b. Date of response; ()

c. Time call received; ()

- d. Time en route to scene; ()
- e. Time arrival at scene; ()
- f. Time service departed scene; ()
- g. Time arrival at hospital; ()
- h. Location of incident; ()
- i. Description of illness/injury; ()
- j. Description of patient management; ()
- k. Patient destination; ()
- l. Ambulance unit identification; ()
- m. Identification and licensure level of each ambulance crew member on the response; and ()
- n. Response outcome. ()

02. Records to Be Maintained by Non-Transport Agencies. Each non-transport agency must maintain records of each EMS response in a form approved by the EMS Bureau. Each applicant non-transport services agency who submits an application to the EMS Bureau after July 1, 2009, must submit records of each EMS response to the EMS Bureau at least quarterly in a form approved by the EMS Bureau. These records must include at least the following information: ()

- a. Identification of nontransport service; ()
- b. Date of response; ()
- c. Time call received; ()
- d. Time en route to scene; ()
- e. Time arrival at scene; ()
- f. Time service departed scene; ()
- g. Location of incident; ()
- h. Description of illness/injury; ()
- i. Description of patient management; ()
- j. Patient destination; ()
- k. Identification and licensure level of nontransport service personnel on response; and ()
- l. Response outcome. ()

(BREAK IN CONTINUITY OF SECTIONS)

700. EMS AGENCY -- CRITERIA TO REQUEST AN AIR MEDICAL RESPONSE.

Each ground EMS agency must establish written criteria for the agency's licensed EMS personnel that provides decision-making guidance for requesting an air medical response to an emergency scene. This criteria must be approved by the agency's medical director. The following conditions must be included in the criteria: (7-1-14)

01. Clinical Conditions. Each licensed EMS agency must develop written criteria based on best medical practice principles for requesting an air medical response for the following clinical conditions: (7-1-14)

- a. The patient has a penetrating or crush injury to head, neck, chest, abdomen, or pelvis; (7-1-14)
- b. Neurological presentation suggestive of spinal cord injury; (7-1-14)
- c. Evidence of a skull fracture (depressed, open, or basilar) as detected visually or by palpation; (7-1-14)
- d. Fracture or dislocation with absent distal pulse; (7-1-14)
- e. A glasgow coma score of ten (10) or less; (7-1-14)
- f. Unstable vital signs with evidence of shock; (7-1-14)
- g. Cardiac arrest; (7-1-14)
- h. Respiratory arrest; (7-1-14)
- i. Respiratory distress; (7-1-14)
- j. Upper airway compromise; (7-1-14)
- k. Anaphylaxis; (7-1-14)
- l. Near drowning; (7-1-14)
- m. Changes in level of consciousness; (7-1-14)
- n. Amputation of an extremity; and (7-1-14)
- o. Burns greater than twenty percent (20%) of body surface or with suspected airway compromise. (7-1-14)

02. Complications to Clinical Conditions. Each licensed EMS agency must develop a written policy that provides guidance for requesting an air medical response when there are complicating conditions associated with the clinical conditions listed in Subsection 700.01 of this rule. The complicating conditions must include the following: (7-1-14)

- a. Extremes of age; (7-1-14)
- b. Pregnancy; and (7-1-14)
- c. Patient "do not resuscitate" status ~~as described in IDAPA 16.02.03, "Emergency Medical Services," Section 400.~~ (7-1-14)()

03. Operational Conditions for Air Medical Response. Each licensed EMS agency must have written criteria to provide guidance to the licensed EMS personnel for the following operational conditions: (7-1-14)

- a. Availability of local hospitals and regional medical centers; (7-1-14)

- b.** Air medical response to the scene and transport to an appropriate hospital will be significantly shorter than ground transport time; (7-1-14)
- c.** Access to time sensitive medical interventions such as percutaneous coronary intervention, thrombolytic administration for stroke, or cardiac care; (7-1-14)
- d.** When the patient's clinical condition indicates the need for advanced life support and air medical is the most readily available access to advanced life support capabilities; (7-1-14)
- e.** As an additional resource for a multiple patient incident; (7-1-14)
- f.** Remote location of the patient; and (7-1-14)
- g.** Local destination protocols. (7-1-14)

(BREAK IN CONTINUITY OF SECTIONS)

816. AMBULANCE EMS AGENCY -- EQUIPMENT TO BE INSPECTED.

Each ambulance EMS agency must have the minimum equipment specified in the "Minimum Equipment Standards for Licensed EMS Services," incorporated by reference in Section 004 of these rules. (7-1-14)

01. Medical Care Supplies. Each ambulance must be equipped with medical care supplies and devices as specified in the agency minimum equipment standards unless Subsection 816.02 or 816.03 of this rule applies. (7-1-14)

02. ~~Public Safety Answering Point Dispatch~~ Consolidated Emergency Communications System. An agency dispatched by ~~a public safety answering point (PSAP)~~ a consolidated emergency communications system that uses an emergency medical dispatch (EMD) process to determine the clinical needs of the patient must ensure the availability of medical care supplies and devices as specified in the agency minimum equipment standards that are appropriate for each response. (7-1-14)()

03. Agency Transferring Patients. An agency transferring patients from one (1) medical care facility included in their designated geographic coverage area to another will be equipped with medical care supplies and devices appropriate for the patient identified by the sending facility. (7-1-14)

(BREAK IN CONTINUITY OF SECTIONS)

969. COMPLETE AND COMPLIANT RENEWAL APPLICATION.

When a renewal application is found to be complete and in compliance, the Department will notify the agency and ~~provide a list of not less than five (5) available dates and times within a thirty (30) day period in which to~~ schedule the required renewal inspection at a time and date that allows efficient use of Department resources and meets the needs of the agency. (7-1-14)()

970. TIMEFRAME FOR RENEWAL INSPECTIONS.

Each agency must successfully complete an annual inspection ~~within the~~ no earlier than sixty (60) days and no later than thirty (30) days ~~period described in Sections 800 through 809 of these rules in order to obtain a renewed license prior to the expiration date of the current license.~~ (7-1-14)()

(BREAK IN CONTINUITY OF SECTIONS)

~~982. — 989.~~ **(RESERVED)**

~~990. TRANSITION TO THE LICENSURE MODELS DESCRIBED IN THIS CHAPTER OF RULES.~~

~~01. **Timeframe to Transition to the New Licensing Model.** Each EMS agency licensed by the Department prior to July 1, 2014, will transition to a licensing model described in these rules at the expiration of its current agency license. A currently licensed agency must submit a licensure transition application, provided by the Department, in order to renew its agency license. (7-1-14)~~

~~02. **Review Process of Transition Applications.** Each licensure transition application submitted by a currently licensed agency is subject to the same Department application evaluation process described in Section 966 of these rules. (7-1-14)~~

~~991~~⁸². -- 999. (RESERVED)

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.01.05 - EMERGENCY MEDICAL SERVICES (EMS) -- EDUCATION, INSTRUCTOR, AND EXAMINATION REQUIREMENTS

DOCKET NO. 16-0105-1501 (NEW CHAPTER)

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 Section 56-1023, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

Tuesday, August 11, 2015 - 10:00 a.m. MDT

**2224 East Old Penitentiary Road
Boise, ID 83712**

**PARTICIPATION BY WEBINAR
(for those who are unable to attend the hearing)**

**To join the webinar, go to:
<https://global.gotomeeting.com/join/553709749>**

Use your microphone and speakers (VoIP) -- a headset is recommended. Or, call in using your telephone.

Dial: 1 (646) 749-3122
Access Code: 553-709-749

**Audio PIN: Shown after joining the meeting using URL above
Meeting ID: 553-709-749**

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:

This new chapter of rules is being written to implement and provide updated initial education, instructor, and examination requirements to meet the ever-changing technology and techniques used to protect the health and safety of the public in the provision of emergency medical services (EMS). This new chapter will replace the education requirements currently found in IDAPA 16.02.03, "Emergency Medical Services."

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 negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking:

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(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published three (3) times: in the March 4, 2015, Idaho Administrative Bulletin, **Vol. 15-3, pages 13-15**; the April 1, 2015, Idaho Administrative Bulletin, **Vol. 15-4, pages 28-30**; and the May 6, 2015, Idaho Administrative Bulletin, **Vol. 15-5, pages 53-54**.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following documents are being incorporated by reference into these rules. These documents are not being reprinted in this chapter of rules

due to their length and format and because of the cost for republication. Further, incorporation into this rule gives the manuals the force and effect of law.

1. Idaho EMS Education Standards, edition 2016-1.
2. Idaho Bureau of EMS and Preparedness EMS Education Equipment List, edition 2016-1.
3. Idaho EMS Bureau Vehicle Extrication Awareness Instructor Guidelines, edition 2016-1.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Bruce Cheeseman 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 August 26, 2015.

DATED this 7th Day of July, 2015.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
(208) 334-5500 phone; (208) 334-6558 fax
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THE FOLLOWING IS THE TEXT PROPOSED FOR DOCKET NO. 16-0105-1501

**IDAPA 16
TITLE 01
CHAPTER 05**

**16.01.05 - EMERGENCY MEDICAL SERVICES (EMS) -- EDUCATION, INSTRUCTOR,
AND EXAMINATION REQUIREMENTS**

000. LEGAL AUTHORITY.

The Idaho Board of Health and Welfare is authorized under Section 56-1023, Idaho Code, to adopt rules and standards concerning the administration of the Idaho Emergency Medical Services Act, Sections 56-1011 through 56-1023, Idaho Code. The Director is authorized under Section 56-1003, Idaho Code, to supervise and administer an emergency medical service program. ()

001. TITLE AND SCOPE.

01. Title. The title of these rules is IDAPA 16.01.05, "Emergency Medical Services (EMS) -- Education, Instructor, and Examination Requirements." ()

02. Scope. These rules include criteria and requirements for education programs conducting initial and optional module EMS education, certification of instructors, certification examinations, and optional module

examinations. Continuing education requirements can be found in IDAPA16.01.07, "Emergency Medical Services (EMS) -- Personnel Licensing Requirements." ()

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, the Department may have written statements that pertain to the interpretation of this chapter, or to the documentation of compliance with these rules. ()

003. ADMINISTRATIVE APPEALS.

Administrative appeals and contested cases are governed by the provisions of IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings." ()

004. INCORPORATION BY REFERENCE.

The Department has incorporated by reference the following documents: ()

01. Idaho EMS Education Standards, edition 2016-1. The Department has adopted the Idaho EMS Education Standards, edition 2016-1, and hereby incorporates these standards by reference. Copies may be obtained from the Department described in Section 005 of these rules, or online at: <http://www.IdahoEMS.org>. ()

02. Idaho Bureau of EMS and Preparedness EMS Education Equipment List, edition 2016-1. The Department has adopted the Idaho Bureau of EMS and Preparedness EMS Education Equipment List, edition 2016-1, and hereby incorporates these standards by reference. Copies may be obtained from the Department described in Section 005 of these rules, or online at: <http://www.IdahoEMS.org>. ()

03. Idaho EMS Bureau Vehicle Extrication Awareness Instructor Guidelines, edition 2016-1. The Department has adopted the Idaho EMS Bureau Vehicle Extrication Awareness Instructor Guidelines, edition 2016-1, and hereby incorporates these standards by reference. Copies may be obtained from the Department described in Section 005 of these rules, or online at: <http://www.IdahoEMS.org>. ()

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS -- STREET ADDRESS -- TELEPHONE NUMBER -- INTERNET WEBSITE.

01. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. ()

02. Mailing Address. The mailing address for the business office is Idaho Department of Health and Welfare, P.O. Box 83720, Boise, Idaho 83720-0036. ()

03. Street Address. ()

a. The business office of the Idaho Department of Health and Welfare is located at 450 West State Street, Boise, Idaho 83702. ()

b. The Bureau of Emergency Medical Services and Preparedness is located at 2224 East Old Penitentiary Road, Boise, ID 83712-8249. ()

04. Telephone. ()

a. The telephone number for the Idaho Department of Health and Welfare is (208) 334-5500. ()

b. The telephone number for the Bureau of Emergency Medical Services and Preparedness is (208) 334-4000. The toll-free, phone number is 1-877-554-3367. ()

05. Internet Websites. ()

a. The Department's internet website is found at <http://www.healthandwelfare.idaho.gov>. ()

b. The Bureau of Emergency Medical Services and Preparedness internet website is found at <http://> ()

www.idahoems.org. ()

006. CONFIDENTIALITY OF RECORDS AND PUBLIC RECORDS ACT COMPLIANCE AND REQUESTS.

01. Confidentiality of Records. Any information about an individual covered by these rules and contained in the Department's records must comply with IDAPA 16.05.01, "Use and Disclosure of Department Records." ()

02. Public Records Act. The Department will comply with Title 74, Chapter 1, Idaho Code, when requests for the examination and copying of public records are made. Unless otherwise exempted, all public records in the custody of the Department are subject to disclosure. ()

007. -- 008. (RESERVED)

009. CRIMINAL HISTORY AND BACKGROUND CHECK REQUIREMENTS.

Certified EMS instructors must comply with the provisions in IDAPA 16.05.06, "Criminal History and Background Checks," to include: ()

01. Initial Instructor Certification. Individuals seeking initial instructor certification must have successfully passed a criminal history and background check under the provisions in IDAPA 16.05.06, "Criminal History and Background Checks." ()

02. Reinstatement of Instructor Certification. Individuals requesting reinstatement of instructor certification must have successfully passed a criminal history and background check under the provisions in IDAPA 16.05.06, "Criminal History and Background Checks." Denial without the grant of an exemption under IDAPA 16.05.06 will result in denial of reinstatement of certification. ()

03. Additional Criminal History and Background Check. The Department may require an updated or additional criminal history and background check at any time, without expense to the candidate, if there is cause to believe new or additional information will be disclosed. ()

010. DEFINITIONS.

For the purposes of this chapter, the definitions in IDAPA 16.01.02, "Emergency Medical Services (EMS) -- Rule Definitions" apply. ()

011. -- 074. (RESERVED)

075. INVESTIGATION OF COMPLAINTS FOR EMS EDUCATION PROGRAM AND PERSONNEL VIOLATIONS.

Investigation of complaints and disciplinary actions for EMS education program and personnel are provided under IDAPA 16.01.12, "Emergency Medical Services (EMS) -- Complaints, Investigations, and Disciplinary Actions." ()

076. ADMINISTRATIVE ACTION IMPOSED FOR EMS INSTRUCTOR CERTIFICATION.

Any EMS instructor certificate may be suspended, revoked, denied, or retained with conditions for noncompliance with any standard or rule. Administrative actions on an instructor certificate, imposed by the EMS Bureau for any action, conduct, or failure to act which is inconsistent with the professionalism, or standards, or both, are provided under Sections 56-1011 through 56-1023, Idaho Code, and IDAPA 16.01.12, "Emergency Medical Services (EMS) -- Complaints, Investigations, and Disciplinary Actions." ()

077. STANDARDS OF PROFESSIONAL CONDUCT FOR EMS EDUCATION PROGRAM AND EXAM PERSONNEL.

All personnel associated with a EMS education program or exam must adhere to the following standards: ()

01. Professional Conduct. EMS education program and exam personnel must uphold the dignity and honor of the profession and abide by all federal, state, and local laws and statutes. They must ensure just and

equitable treatment for all members of the profession in the exercise of academic freedom, professional rights, and responsibilities while following generally recognized professional principles. ()

02. Personal Relationships. EMS education program and exam personnel must maintain a professional relationship with all students, both inside and outside the physical and virtual classroom. They must avoid conflicts of interest when accepting gifts, gratuities, favors, and additional compensation from students, colleagues, parents, patrons, or business personnel. ()

03. Professional Integrity. EMS education program and exam personnel must exemplify honesty and integrity in the course of professional practice. They must refrain from the possession, use, or abuse of alcohol or illegal drugs while they are involved in the instruction of students. They must comply with state and federal laws and program policies relating to the confidentiality of student records, unless disclosure is required or permitted by law. ()

04. Respectful Behavior. EMS education program and exam personnel must behave in a respectful and appropriate manner when dealing with students, colleagues, parents, patrons, and business or Department personnel, ensuring that they are always aware of their intended audience. ()

078. -- 099. (RESERVED)

EMS EDUCATION PROGRAMS
(Sections 100 - 199)

100. GENERAL REQUIREMENTS FOR EMS EDUCATION PROGRAMS.

EMS education programs must meet all requirements in these rules. A program may be approved by the Department if all requirements are met. Each program must be approved and in good standing in order for graduates of courses provided by a program to qualify for access to an Idaho EMS certification examination. ()

101. INSPECTION OF EMS EDUCATION PROGRAMS.

Representatives of the Department are authorized to enter an EMS education facility at reasonable times for the purpose of assuring that an EMS education program meets the provisions of these rules. ()

102. EMS EDUCATION STANDARDS.

01. Initial Education. Curriculum utilized for initial education must be based upon the Idaho EMS Education Standards incorporated under Section 004 of these rules. ()

02. Optional Module Education. Curriculum utilized for optional module education must be based upon the Idaho EMS Education Standards incorporated under Section 004 of these rules for the higher level scope of practice in which the skills, knowledge, and competency exist in the floor of the scope of practice. ()

103. EMS EDUCATION PROGRAM ELIGIBILITY.

The following entities are eligible for approval as an EMS Education Program: ()

01. EMS Agency. A licensed Idaho EMS agency, or applicant for agency licensure, that has met all of the agency licensure requirements in IDAPA 16.01.03, "Emergency Medical Services (EMS) -- Agency Licensing Requirements," with the exception of the personnel requirements in the case of an applicant agency. ()

02. Governmental Entity. A recognized governmental entity within the State of Idaho; ()

03. School. A proprietary, secondary, or post-secondary school as defined in Title 33, Idaho Code, and in accordance with IDAPA 08.01.11, "Registration of Post-Secondary Educational Institutions and Proprietary Schools"; or ()

04. Hospital. An Idaho hospital as defined in IDAPA 16.03.14, "Rules and Minimum Standards for Hospitals in Idaho." ()

104. EMS EDUCATION PROGRAM APPROVAL REQUIREMENTS.

The following requirements must be met in order to be approved as an EMS Education Program: ()

01. All Programs. All EMS educational programs must: ()

a. Have the infrastructure elements described in the Idaho EMS Education Standards; ()

b. Use a curriculum that meets the Idaho EMS Education Standards; ()

c. Utilize personnel to fill the roles as defined in Section 300; ()

d. Provide sufficient quantities of supplies and equipment in good working order based on the curriculum and the minimum equipment list; and ()

e. Have successfully completed a program review within the last three (3) years. ()

02. Paramedicine Programs. Programs teaching paramedicine must be accredited by, or have a Letter of Review (LoR) from, the Committee on Accreditation of Educational Programs for the EMS Professions (CoAEMSP). A representative of the Department may attend the CoAEMSP site visit. Documentation of official correspondence between CoAEMSP and the program must be provided to the Department within thirty (30) days. ()

105. EMS EDUCATION PROGRAM ACCOUNTABILITY.

The Department will hold each EMS Education Program to the standards and requirements in these rules and the declarations made by the program on their most recent approved application. ()

106. EMS EDUCATION PROGRAM ADMINISTRATION.

01. General. Each EMS Education Program must: ()

a. Register and maintain program information with the Department and the certification agency. ()

b. Respond to all program-specific Department inquiries within fifteen (15) days; ()

c. Submit supporting documentation requested during an audit to the Department within twenty-one (21) days of the request; ()

d. Ensure that all program personnel are familiar with and conduct business according to these rules; and ()

e. Notify the Department within fifteen (15) days of any sanction taken against an instructor that affects his ability to teach for the program. ()

02. Policies and Procedures. The EMS Education Program must provide students with their policies and procedures for the following: ()

a. Program-specific student enrollment eligibility requirements; ()

b. Receipt and resolution of complaints, to include the Bureau's complaint process; ()

c. Process for students who do not show adequate progress; and ()

d. Program-specific requirements for successful completion of the course. ()

107. EMS EDUCATION PROGRAM COURSE ADMINISTRATION.

01. Education. In order to prepare students to demonstrate the expected competencies, the EMS Education Program must: ()

a. Deliver didactic education and psychomotor training that meets the objectives of the approved curriculum; ()

b. Establish and maintain hospital/clinical and field/internship experience agreements to ensure student access in accordance with the Idaho EMS Education Standards; ()

c. The majority of initial education must be taught by certified EMS instructors. ()

02. Evaluation. In order to assure that students can demonstrate the expected competencies, the EMS Education Program must: ()

a. Establish and enforce pass/fail criteria that include evaluation of student performance and competency during labs, didactic, clinical, and field internship training; ()

b. Provide formative evaluations during a course to monitor the progress of students; and ()

c. Provide a formal summative evaluation that includes a variety of clinical behaviors and judgements at the end of the course to measure the student's mastery of the objectives of the approved curriculum. ()

108. EMS EDUCATION PROGRAM COURSE DOCUMENTATION.

01. Records to be Submitted. Each EMS Education Program must submit the following documentation to the Department as described below and in the format provided by the Department: ()

a. Application for Course Registration Number (CRN) at least thirty (30) days prior to beginning a new course; ()

b. Course beginning record (roster) within ten (10) days after the course beginning date; ()

c. EMR and EMT Programs: Declare date and location of the formal summative evaluation within the (10) days immediately following the date the course begins; ()

d. AEMT and Paramedic Programs: Proposed dates and locations of the didactic and psychomotor certification examinations within ten (10) days of the course beginning date; and ()

e. Course completion record (roster) within ten (10) days after the student's course completion date. ()

02. Records to be Maintained. Each EMS Education Program must maintain documentation of the following: ()

a. Student competence in all areas listed in the Idaho EMS Education Standards for the level being taught; and ()

b. Student attendance in all didactic instruction, skills laboratories, hospital/clinical experience, and field experience. ()

03. Records Retention. All documentation related to a course or program must be retained for a minimum of five (5) years in a retrievable format. ()

109. -- 199. (RESERVED)

CRITERIA FOR EMS EDUCATION
(Sections 200 - 299)

200. INITIAL EMS EDUCATION REQUIREMENTS.

01. Content. ()

a. Idaho-Specific Content. All initial EMS courses must include the following Idaho-specific content, developed professionally and approved by the Department, if available: ()

i. Physician Order for Scope of Treatment (POST); ()

ii. Safe Haven; ()

iii. Landing Zone Officer; and ()

iv. Extrication Awareness. ()

b. National Content. All initial EMS courses must include the following national content: ()

i. Incident Command System ICS-100 and ICS-700; and ()

ii. HazMat Awareness. ()

02. Consistency with Scope of Practice. All curricula must be consistent with the Idaho scope of practice for licensed personnel as set forth in the EMS Physician Commission Standards Manual incorporated under IDAPA 16.02.02, "Rules of the Idaho Emergency Medical Services (EMS) Physician Commission," which aligns with the clinical level of the course. ()

03. Consistency with State and National Standards. All curricula must be consistent with Idaho EMS Education Standards incorporated under Section 004 of these rules, and the National EMS Scope of Practice Model. ()

201. -- 209. (RESERVED)

210. OPTIONAL MODULE EMS EDUCATION.

01. Consistency with Scope of Practice. All optional module curricula must be consistent with the Idaho scope of practice for licensed personnel as set forth in the EMS Physician Commission Standards Manual, incorporated under IDAPA 16.02.02, "Rules of the Idaho Emergency Medical Services (EMS) Physician Commission," which aligns with the clinical level of the course. ()

02. Consistency with State and National Standards. All optional module curricula must be consistent with Idaho EMS Education Standards incorporated under Section 004 of these rules, and the National EMS Scope of Practice Model. ()

211. -- 299. (RESERVED)

EMS EDUCATION PROGRAM PERSONNEL REQUIREMENTS,
QUALIFICATIONS, AND RESPONSIBILITIES
(Sections 300-399)

300. REQUIRED PERSONNEL FOR EMS EDUCATION PROGRAMS.

01. Program Director. Each program must identify an individual to serve as the Program Director. The Program Director may also serve as teaching faculty provided that faculty qualifications are met. ()

02. Teaching Faculty. Each program must identify a sufficient number of teaching faculty who meet the qualifications described below in Subsections 301.02 and 301.03 of these rules. ()

03. Course Physician. Each program must identify an individual to serve as the course physician. The course physician may also serve as teaching faculty, provided that faculty qualifications are met. ()

301. EMS EDUCATION PROGRAM PERSONNEL QUALIFICATIONS.

01. Program Director. Program Directors must meet the following qualifications: ()

a. Have completed an Education Program Orientation Course within the previous twenty-four (24) months. ()

b. Have knowledge of current Idaho EMS Education Standards and the requirements for state certification and licensure. ()

02. Instructor. Instructors must possess a current instructor certification issued by the Department. ()

03. Adjunct Faculty or Guest Lecturers. Adjunct faculty and guest lecturers must be authorized by the course physician based on credentials, education, or expertise that corresponds to the knowledge and skill objectives they are teaching. ()

04. Course Physician. Course physicians must meet the following qualifications: ()

a. Be a Doctor of Osteopathy (DO) or Medical Doctor (MD) currently licensed to practice medicine with experience and current knowledge of emergency care of acutely ill and injured patients; and ()

b. Have knowledge or experience in the delivery of out-of-hospital emergency care, including the proper care and transport of patients, medical direction, and quality improvement in out-of-hospital care. ()

302. EMS EDUCATION PROGRAM PERSONNEL RESPONSIBILITIES.

An individual can have multiple personnel responsibilities, but must meet the applicable personnel requirements under Section 301 of these rules and fulfill all the responsibilities of each position they fill. ()

01. Program Director. The program director's responsibilities include: ()

a. Administrative oversight of the program; ()

b. Ensuring that the program remains in compliance with these rules; and ()

c. Serving as the program's point of contact for the Department, or for a national EMS certification body, or both. ()

02. Instructor. The instructor's responsibilities include: ()

a. Delivery of didactic and psychomotor education that satisfies the curriculum objectives; ()

b. Documentation of student performance and competency in accordance with the standards defined by the program; ()

c. Following program policies, requirements, and these rules; ()

d. Modeling positive behaviors and serving as a role model for students. ()

03. Course Physician. The course physician's responsibilities are to provide: ()

- a. Medical oversight for all medical aspects of instruction; and ()
- b. Cooperative involvement with the program director. ()

303. -- 399. (RESERVED)

EMS INSTRUCTOR CERTIFICATION
(Sections 400-499)

400. EMS INSTRUCTOR CERTIFICATION REQUIREMENTS.

01. Instructor Certification is Required. In order to serve as an EMS instructor, an individual must possess a current EMS instructor certificate issued by the Department. ()

02. Instructor Certification Requirements. An individual applying for and meeting the requirements defined in this section will be issued an initial EMS instructor certificate. The requirements for initial EMS instructor certification are: ()

- a. Have successfully passed an Idaho criminal history and background check; ()
- b. Have completed a Department-sponsored EMS Education Program Orientation Course within the preceding twenty-four (24) months; ()
- c. Have completed a course that meets the requirements of an Adult Methodology Course as defined in Section 404 of these rules; ()
- d. Hold a current EMS license or EMS certificate at or above the instructor level requested; and ()
- e. Have held an EMS license or EMS certificate at or above the level of instruction requested for a minimum of three (3) years. ()

03. Duration of Certificate. EMS instructor certificates are good for up to three (3) years and will be issued with an expiration date of June 30 no more than three (3) years after the date the application was approved by the Department. ()

401. EMS INSTRUCTOR CERTIFICATE RENEWAL.

An individual applying for and meeting the EMS instructor certificate requirements defined in this rule will be issued a renewed EMS instructor certificate. To renew your instructor certificate you must: ()

01. Submit an Application. Submit an application for EMS instructor recertification in the format provided by the Department prior to the expiration date of the current certificate. Certified EMS instructors may submit the renewal application and documentation to the EMS Bureau up to six (6) months prior to the current expiration date of the instructor certificate. ()

02. Teaching Time. Document twenty-four (24) hours of teaching time during the current certification period. ()

03. Continuing Education. Complete eight (8) hours of continuing education specific to adult education during the current certification period. ()

04. Education Program Orientation Course. Complete a Department-sponsored program orientation course within their certification cycle. The program orientation course can be counted as instructor continuing education. ()

05. License or Certificate. Possess a current Idaho EMS personnel license, a current Idaho certificate of eligibility, or a current national certification at or above the level of instructor certificate. ()

402. LAPSED EMS INSTRUCTOR CERTIFICATE.

01. Timely Submission. An application is considered timely when it is submitted to the Department prior to the expiration date of the EMS instructor certificate being renewed. ()

02. Failure to Submit. An EMS instructor certificate will expire if an instructor fails to submit a complete and timely renewal application. ()

03. No Grace Period. The Department will not grant grace periods or extensions to an expiration date. ()

04. Application Under Review. Provided the instructor submitted a timely renewal application, an EMS instructor certificate will not lapse while under review by the Department. ()

05. Additional Information. The Department may request additional information from the instructor to address an application that was found to be incomplete or otherwise non-compliant with these rules. The Department will send the request to the instructor's last known address. The instructor has twenty-one (21) days from the date of notification to respond to the Department after which the certificate will be considered lapsed. ()

06. Reinstatement of a Lapsed Certificate. Personnel with a lapsed EMS instructor certificate must complete the requirements listed in Subsection 400.02 of these rules to reinstate their instructor certificate. ()

403. CERTIFICATION OF CURRENTLY APPROVED EMS INSTRUCTORS.

01. Expiration of Approved Instructor Status. EMS instructor certificates issued prior to July 1, 2016, will expire on June 30, 2019. ()

02. Certification Process. An EMS instructor approved prior to July 1, 2016, must submit an application for renewal to the Department prior to June 30, 2019, in order to maintain an EMS instructor certificate. ()

03. Certificate Requirements. Currently approved EMS instructors who wish to maintain EMS instructor certification must meet the following requirements: ()

a. Have successfully passed an Idaho criminal history and background check; ()

b. Have completed a Department-sponsored Education Program Orientation Course orientation course within the preceding twenty-four (24) months; ()

c. Hold a current EMS license or EMS certificate at or above the instructor level requested; and ()

d. Have held an EMS license or EMS certificate at or above the level of instruction requested for a minimum of three (3) years. ()

04. Duration of Certificate. EMS instructor certificates are good for up to three (3) years and will be issued with an expiration date of June 30 no more than three (3) years after the date the application was approved by the Department. ()

404. ADULT METHODOLOGY REQUIREMENTS FOR EMS INSTRUCTORS.

Adult methodology requirements consist of completion of one (1) or more courses, developed professionally and approved by the Department, based on content that includes the following instructional topics: ()

01. The Adult Learner. ()

- 02. Goals and Objectives. ()
- 03. Learning Styles. ()
- 04. Lesson Plans. ()
- 05. Teaching Resources. ()
- 06. Teaching Aids. ()
- 07. Teaching Methods. ()
- 08. Measurement and Evaluation Techniques. ()
- 09. Remediation, Communication, and Feedback. ()
- 405. -- 499. (RESERVED)

EMS EXAMINATIONS
(Sections 500 through 599)

500. STANDARDIZED EMS CERTIFICATION EXAMINATIONS.

A graduate of an EMS course must successfully complete psychomotor and cognitive certification examinations in order to qualify for EMS personnel licensure under IDAPA 16.01.07, "Emergency Medical Services (EMS) -- Personnel Licensing Requirements." ()

01. EMR and EMT Psychomotor Examination. The psychomotor certification examination requirement for EMR and EMT course graduates can be met by any of the following: ()

a. Successful completion of the end-of-course examination described in Subsection 107.02.c. of these rules. ()

b. Successful completion of a level-appropriate psychomotor examination administered by the Department. ()

02. AEMT and Paramedic Psychomotor Examination. The psychomotor certification examination requirement for AEMT and Paramedic course graduates can only be met by successfully completing a formal Department-sponsored certification psychomotor examination. ()

03. Cognitive Examination. The cognitive certification examination requirement for all levels of course graduates can only be met by successfully completing the Idaho-approved certification cognitive examination. ()

501. OPTIONAL MODULE EMS EXAMINATIONS.

Psychomotor and cognitive examinations must be completed at the EMR and EMT levels once didactic education and training are successfully completed, as described in the EMS Physician Commission Standards Manual incorporated under IDAPA 16.02.02, "Rules of the Idaho Emergency Medical Services (EMS) Physician Commission." ()

502. EMS EXAM APPLICATIONS.

An organization other than the educational program that wishes to host a Department-administered examination must notify the Department at least sixty (60) days in advance of the proposed exam date. Educational programs must notify the Department in accordance with Section 108 of these rules. ()

503. -- 998. (RESERVED)

999. OTHER VIOLATIONS THAT MAY RESULT IN FORMAL ADMINISTRATIVE ACTION.

01. Unprofessional Conduct. Any act that violates the standards of professional conduct in Section 077 of these rules. ()

02. Failure to Maintain Standards of Knowledge, Proficiency, or Both. Failure to maintain standards of knowledge, or proficiency, or both, as required under these rules as well as: ()

a. IDAPA 16.01.07, "Emergency Medical Services (EMS) -- Personnel Licensure Requirements"; and ()

b. IDAPA 16.02.02, "Rules of the Idaho Emergency Medical Services (EMS) Physician Commission." ()

03. Mental Incompetency. A lawful finding of mental incompetency by a court of competent jurisdiction. ()

04. Impairment of Function. Performance of duties under an EMS instructor certificate while under the influence of alcohol, an illegal substance, or a legal drug or medication causing impairment of function. ()

05. Denial of Criminal History Clearance. Any conduct, action, or conviction that does or would result in denial of a criminal history clearance under IDAPA 16.05.06, "Criminal History and Background Checks." ()

06. Discipline, Restriction, Suspension, or Revocation. Discipline, restriction, suspension, or revocation by any other jurisdiction. ()

07. Danger or Threat to Persons or Property. Any conduct, condition, or circumstance determined by the EMS Bureau that constitutes a danger or threat to the health, safety, or well-being of persons or property. ()

08. Falsification of Applications or Reports. The submission of fraudulent or false information in any report, application, or documentation to the EMS Bureau. ()

09. Attempting to Obtain a Certificate by Means of Fraud. Misrepresentation in an application, or documentation, for certification by means of concealment of a material fact. ()

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

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

DOCKET NO. 16-0107-1501

NOTICE OF RULEMAKING - VACATION OF PROPOSED RULEMAKING

AUTHORITY: In compliance with Section 67-5221, Idaho Code, notice is hereby given that this agency is vacating the proposed rulemaking previously initiated under this docket. The action is authorized pursuant to Sections 56-1011 through 56-1023, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a summary of the reasons for vacating the proposed rulemaking:

This proposed rulemaking is being vacated and is being replaced with a revised proposed rulemaking that is being promulgated under Docket 16-0107-1502 and published in this Bulletin following this notice.

The temporary rules that were adopted under this docket remain in effect until the end of the next legislative session in 2016, unless rescinded. The temporary and proposed rules were published in the January 7, 2015, Idaho Administrative Bulletin, [Vol. 15-1, pages 107 through 117](#).

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this vacation of the proposed rulemaking, contact Bruce Cheeseman at (208) 334-4000.

DATED this 24th Day of July, 2015.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
(208) 334-5500 phone; (208) 334-6558 fax
E-mail: dhwrules@dhw.idaho.gov

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

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

DOCKET NO. 16-0107-1502

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 56-1011 through 56-1023, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

Tuesday, August 11, 2015 - 10:00 a.m. MDT

**2224 East Old Penitentiary Road
Boise, ID 83712**

**PARTICIPATION BY WEBINAR
(for those who are unable to attend the hearing)**

To join the webinar, go to:
<https://global.gotomeeting.com/join/553709749>

Use your microphone and speakers (VoIP) -- a headset is recommended. Or, call in using your telephone.

Dial: 1 (646) 749-3122
Access Code: 553-709-749

Audio PIN: Shown after joining the meeting using URL above
Meeting ID: 553-709-749

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:

The EMS Personnel Licensing rules are being amended to align with a new chapter of rules being written that provide the education, instructor, and examination standards an individual must meet to be a licensed EMS provider in Idaho. These rules also include temporary rule changes for continuing education venues and licensing renewal cycle requirements that were extended by the 2015 Legislature. For consistency, this chapter includes references and sections from the repeal of IDAPA 16.02.03, "Emergency Medical Services," and the new chapter in IDAPA 16.01.05, "Emergency Medical Services (EMS) -- Education, Instructors, and Examination Requirements."

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:

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 held. However, the Department held a number of meetings around the state with EMS personnel and agencies. The changes in this rule concerning continuing education were based on concerns voiced during those meetings and required the Department to amend these rules prior to the end of the current licensure period.

INCORPORATION BY REFERENCE: There are no documents incorporated in this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Bruce Cheeseman 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 August 26, 2015.

DATED this 7th Day of July, 2015.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
(208) 334-5500 phone; (208) 334-6558 fax
E-mail: dhwrules@dhw.idaho.gov

**THE FOLLOWING IS THE PROPOSED TEXT FOR DOCKET NO. 16-0107-1502
(Only those Sections being amended are shown.)**

004. INCORPORATION BY REFERENCE.

~~The Department has incorporated by reference the "Idaho Emergency Medical Services (EMS) Physician Commission Standards Manual," edition 2012-1. Copies of this Standards Manual may be obtained from the EMS Bureau described in Section 005 of these rules, or online at: <http://www.emspe.dhw.idaho.gov>. No documents have been incorporated by reference into these rules.~~ (3-29-12)()

(BREAK IN CONTINUITY OF SECTIONS)

006. CONFIDENTIALITY OF RECORDS AND PUBLIC RECORDS ACT COMPLIANCE AND REQUESTS.

01. Confidentiality of Records. Any information about an individual covered by these rules and contained in the Department's records must comply with IDAPA 16.05.01, "Use and Disclosure of Department Records." (3-29-12)

02. Public Records Act. The Department will comply with ~~Sections 9-337 through 9-350~~ Title 74, Chapter 1, Idaho Code, when requests for the examination and copying of public records are made. Unless otherwise exempted, all public records in the custody of the Department are subject to disclosure. (3-29-12)()

(BREAK IN CONTINUITY OF SECTIONS)

075. INVESTIGATION OF COMPLAINTS FOR PERSONNEL LICENSING VIOLATIONS.

Investigation of complaints and disciplinary actions for personnel licensing are provided under IDAPA 16.01.12, "Emergency Medical Services (EMS) -- Complaints, Investigations, and Disciplinary Actions." ()

076. ADMINISTRATIVE ACTION IMPOSED FOR LICENSE OR CERTIFICATION.

Any license or certification may be suspended, revoked, denied, or retained with conditions for noncompliance with any standard or rule. Administrative license or certification actions imposed by the EMS Bureau for any action, conduct, or failure to act which is inconsistent with the professionalism, or standards, or both, are provided under Sections 56-1011 through 56-1023, Idaho Code, and IDAPA 16.01.12, "Emergency Medical Services (EMS) -- Complaints, Investigations, and Disciplinary Actions." ()

0757. STANDARDS OF PROFESSIONAL CONDUCT FOR EMS PERSONNEL.

01. Method of Treatment. EMS personnel must practice medically acceptable methods of treatment and must not endeavor to extend their practice beyond their competence and the authority vested in them by the medical director. EMS personnel must not perform any medical procedure or provide medication that deviated from or exceeds the scope of practice for the corresponding level of licensure established under IDAPA 16.02.02, "Rules of the Idaho Emergency Medical Services (EMS) Physician Commission." (3-29-12)()

02. Knowledge and Proficiency. EMS personnel must maintain standards of knowledge and proficiency as required by this chapter of rules and IDAPA 16.02.02, "Rules of the Idaho Emergency Medical Services (EMS) Physician Commission." ()

~~**02. Commitment to Self-Improvement.** *EMS personnel must continually strive to increase and improve their knowledge and skills and render to each patient the full measure of their abilities.* (3-29-12)~~

03. Respect for the Patient. EMS personnel must provide all services with respect for the dignity of the patient, unrestricted by considerations of social or economic status, personal attributes, or the nature of health problems. (3-29-12)

04. Confidentiality. EMS personnel must hold in strict confidence all privileged information concerning the patient except as disclosure or use of this information is permitted or required by law or Department rule. (3-29-12)

05. Conflict of Interest. EMS personnel must not accept gratuities for preferential consideration of the patient and must guard against conflicts of interest. (3-29-12)

06. Professionalism. EMS personnel must uphold the dignity and honor of the profession and abide by its ethical principles and should must be familiar with existing laws governing the practice of emergency medical services and comply with those laws. EMS personnel must never perform duties of the profession while under the influence of alcohol, illegal substances, or legal drugs or medication causing impairment of function. (3-29-12)()

07. Cooperation and Participation. EMS personnel must cooperate with other health care professionals and participate in activities to promote community and national efforts to meet the health needs of the public. (3-29-12)

08. Ethical Responsibility. EMS personnel must refuse to participate in unethical procedures, and assume the responsibility to expose incompetence or unethical conduct of others to the appropriate authority in a proper and professional manner. Misrepresentation in an application or documentation for licensure by means of concealment of a material fact is a violation of ethical responsibility. (3-29-12)()

09. Integrity. EMS personnel must act with honesty and integrity and assure that reports, applications and documentation for which they are responsible are free of fraudulent and false information. ()

~~0768. -- 0989.~~ (RESERVED)

090. ADVANCE DO NOT RESUSCITATE (DNR) DIRECTIVES.

Licensed EMS personnel must follow the DNR protocol established by the Department. ()

091. -- 099. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

106. TIME FRAME FOR PERSONNEL LICENSURE AFTER SUCCESSFUL COMPLETION OF EDUCATION COURSE.

An individual who has successfully completed an EMS education course is eligible to attempt the *certification* standardized examination for the appropriate level of licensure. (3-29-12)()

01. Complete Standardized *Certification* Examination. A candidate must successfully complete all components of the standardized *certification* examination in a twelve (12) month period within twenty-four (24) months of completing an EMS training course in order to be eligible for an Idaho EMS personnel license. (3-29-12)()

02. *Certification* Standardized Examination Not Completed. If all components of the standardized *certification* examination are not successfully completed in a twelve (12) month period within twenty-four (24) months of course completion, the candidate must repeat the initial training course and all components of the *certification* standardized examination in order to be eligible for an Idaho EMS personnel license. (3-29-12)()

107. -- 109. (RESERVED)

110. INITIAL PERSONNEL LICENSURE.

Upon successful completion of an approved education course recognized by the EMS Bureau under IDAPA 16.021.035, "Emergency Medical Services -- Education, Instructor, and Examination Requirements," an individual may apply to the EMS Bureau for licensure. The candidate must meet the following: (3-29-12)()

01. Candidate Age Requirements. An individual applying for licensure must meet the following age requirements: (3-29-12)

a. An EMR and EMT candidate must be either sixteen (16) or seventeen (17) years old with parental or legal guardian consent, or eighteen (18) years old. (3-29-12)

b. An AEMT and Paramedic candidate must be eighteen (18) year old. (3-29-12)

02. Declaration of Previous Applications and Licensures. A candidate must declare each state or jurisdiction in which he has applied for, been denied, or held an EMS license or certification. (3-29-12)

03. Authorization for Release of Information. A candidate must provide authorization for the EMS authority in other states or jurisdictions to release the candidate's registration, licensure, and certification information to the Idaho EMS Bureau. (3-29-12)

04. Provide Current Affiliation with EMS Agency. A candidate must declare all organizations in which they are allowed to practice as licensed personnel. A candidate must have a current affiliation with a licensed EMS agency that functions at, or above, the level of licensure being sought by the candidate. (3-29-12)

05. Valid Identification. A candidate must have a valid state driver's license, an Idaho identification card issued by a county driver's license examining station, or an identification card issued by the Armed Forces of the United States. (3-29-12)

06. Criminal History and Background Check. A candidate must successfully complete a criminal history and background check according to the provisions in IDAPA 16.05.06, "Criminal History and Background Checks." Denial without the grant of an exemption under the provisions in IDAPA 16.05.06, "Criminal History and Background Checks," will result in denial or revocation of licensure. (3-29-12)

07. Pass Standardized Examination. A candidate must successfully complete the standardized examination for the level of licensure on the application required under IDAPA 16.021.035, "Emergency Medical Services (EMS) -- Education, Instructor, and Examination Requirements." (3-29-12)()

a. A candidate for EMR licensure must have successfully completed the standardized *certification*

examination at the EMR level or higher within the preceding thirty-six (36) months. (3-29-12)()

b. A candidate for EMT licensure must have successfully completed the standardized *certification* examination at the EMT level or higher within the preceding thirty-six (36) months. (3-29-12)()

c. A candidate for AEMT licensure must have successfully completed the standardized *certification* examination at the AEMT level or higher within the preceding twenty-four (24) months. (3-29-12)()

d. A candidate for Paramedic licensure must have successfully completed the standardized *certification* examination at the Paramedic level within the preceding twenty-four (24) months. (3-29-12)()

08. Standardized Exam Attempts For Initial Licensure. A candidate for initial licensure is allowed to attempt to successfully pass the standardized exam as follows: (3-29-12)

a. An EMR candidate is allowed three (3) attempts to pass the exam, after which the initial EMR course must be successfully completed again before another three (3) attempts are allowed. (3-29-12)

b. An EMT candidate is allowed three (3) attempts to pass the exam, after which twenty-four (24) hours of remedial education must be successfully completed before another three (3) attempts are allowed. (3-29-12)

c. An AEMT candidate is allowed three (3) attempts to pass the exam, after which thirty-six (36) hours of remedial education must be successfully completed before another three (3) attempts are allowed. (3-29-12)

d. A Paramedic candidate is allowed three (3) attempts to pass the exam, after which forty-eight (48) hours of remedial education must be successfully completed before another three (3) attempts are allowed. (3-29-12)

09. Submit Required Licensure Fee. A candidate must submit the applicable initial licensure fee provided in Section 111 of these rules. A candidate for EMR or EMT level of licensure has no fee requirement. (3-29-12)

(BREAK IN CONTINUITY OF SECTIONS)

116. PERSONNEL LICENSE TRANSITION.

Between the years of 2011 and 2016⁷, the scope of practice and the accompanying license levels for EMS personnel will change. The scope of practice for licensed EMS personnel is provided in [the IDAPA 16.02.02, "Rules of the Idaho Emergency Medical Services \(EMS\) Physician Commission Standards Manual incorporated by reference under Section 004 of these rules."](#) Personnel licensed at the AEMT level can opt to either transition to the AEMT-2011 level, or they may remain at the AEMT-1985 level. In order to renew a license, personnel licensed at the EMR, EMT, or Paramedic level must transition and meet the following requirements. (3-29-12)()

01. General Transition Requirements for Licensed Personnel. Licensed personnel transitioning to a new licensure level must: (3-29-12)

a. Successfully complete an Idaho-approved transition course appropriate for the level of licensure; (3-29-12)

b. Provide documentation of verification by the course physician of competency in the knowledge and skills identified in the appropriate transition course curriculum; and (3-29-12)

c. Include proof of completion of transition requirements with the license renewal application. All other license renewal requirements listed in Section 120 of these rules must be completed. The transition course may be counted towards the renewal continuing education requirements. (3-29-12)

02- ~~Transition Options Specific for Personnel Licensed at the AEMT Level.~~ ~~Personnel licensed at the AEMT level have options specific to transitioning as follows:~~ (3-29-12)

~~a.~~ In addition to the general transition requirements under Subsection 116.01 of this rule, personnel licensed at the AEMT level may choose to transition to the AEMT-2011. To transition to the AEMT-2011 level, the applicant must successfully pass the Idaho-approved written and practical examinations for that level of licensure by the deadlines provided in Subsection 116.03.b of this rule. (3-29-12)

~~b.~~ Personnel licensed at the AEMT level who choose not to complete the transition requirements according to Subsection 116.03.b. of this rule, will be allowed to renew their personnel license at the AEMT 1985 level, if all other license renewal requirements listed in Section 120 of these rules are met. (3-29-12)

032. **Application Deadlines for Transition of Licensed Personnel.** Licensed personnel who choose to transition must submit an “EMS Personnel License Transition Application” according to the following deadline dates: (3-29-12)

a. For personnel licensed at the EMR and EMT levels, an application for transition must be submitted after January 1, 2012, and before ~~September~~ March 30~~1~~, 2016~~7~~, according to the effective date of the initial license or renewal date provided in the table below:

Table 116.032.a. PERSONNEL LICENSED AT EMR AND EMT LEVELS - TRANSITION DEADLINE DATES	
Effective Date of Initial License April 1, 2011 – September 30, 2011 October 1, 2011 – December 31, 2011	Date Transition Requirements MUST be Completed September 30, 2014 March 31, 2015
Effective Date of Renewed License April 1, 2011 October 1, 2011 April 1, 2012 October 1, 2012 April 1, 2013 October 1, 2013 <u>April 1, 2014</u>	Date Transition Requirements MUST be Completed March 31, 2014 September 30, 2014 March 31, 2015 September 30, 2015 March 31, 2016 September 30, 2016 <u>March 31, 2017</u>

(3-29-12)()

~~b.~~ For personnel licensed at the AEMT and Paramedic levels, an application for transition must be submitted after January 1, 2013, and before September 30, 2015, according to the effective date of the initial license or renewal date provided in the table below:

Table 116.03.b. PERSONNEL LICENSED AT AEMT AND PARAMEDIC LEVELS - TRANSITION DEADLINE DATES	
Effective Date of Initial License April 1, 2012 – September 30, 2012 October 1, 2012 – December 31, 2012	Date Transition Requirements MUST be Completed September 30, 2014 March 31, 2015

Table 116.03.b- PERSONNEL LICENSED AT AEMT AND PARAMEDIC LEVELS -- TRANSITION DEADLINE DATES	
<i>Effective Date of Renewed License</i>	<i>Date Transition Requirements MUST be Completed</i>
April 1, 2012	March 31, 2014
October 1, 2012	September 30, 2014
April 1, 2013	March 31, 2015
October 1, 2013	September 30, 2015

(3-29-12)()

043. Early Transition of Licensed Personnel. Licensed personnel who meet all transition requirements and choose to transition prior to their license renewal date will be issued a license as follows: (3-29-12)

a. Continuing education completed between the effective date of the pre-transition license and the expiration date of the transitioned license may be used to meet requirements listed in Section 120 of these rules for renewal of the transition license; (3-29-12)

b. The new license will have the same expiration date as the current license; and (3-29-12)

c. The new license will have a new effective date, based on the date the transition was approved by the EMS Bureau. (3-29-12)

117. -- 119. (RESERVED)

120. PERSONNEL LICENSE RENEWAL.

Licensed personnel must provide documentation that they meet the following requirements: (3-29-12)

01. Documentation of Affiliation with EMS Agency. A candidate applying for renewal of licensure must be affiliated with a licensed EMS agency which functions at, or above, the level of licensure being renewed. Documentation that the license holder is currently credentialed or undergoing credentialing by an affiliating EMS agency medical director must be submitted as assurance of affiliation for license renewal. (3-29-12)

02. Documentation of Continuing Education for Level of Licensure Renewal. A candidate for renewal of licensure must provide documentation of continuing education consistent with the license holder's level of licensure. All continuing education and skill proficiency requirements must be completed under the provisions in Sections 300 through 325 of these rules. The time frame for continuing education courses must meet the following requirements: (3-29-12)()

a. All continuing education and skill proficiency requirements for renewal of an initial Idaho personnel license must be completed as follows: (3-29-12)

i. For EMR or EMT, within the thirty-six (36) months preceding ~~renewal~~ expiration. (3-29-12)()

ii. For AEMT and Paramedic, within the twenty-four (24) months preceding ~~renewal~~ expiration. (3-29-12)()

b. All continuing education and skill proficiency requirements for successive licenses must be completed between the effective and expiration dates of the license being renewed, or according to Section 116 or 125 of these rules. (3-29-12)()

c. All continuing education and skill proficiency requirements for renewal of licenses obtained through conversion of a Certificate of Eligibility must be completed as follows: (3-29-12)

i. For EMR or EMT, within the thirty-six (36) months preceding ~~renewal~~ expiration. (3-29-12)()

- ii. For AEMT and Paramedic, within the twenty-four (24) months preceding ~~renewal~~ expiration. (3-29-12)()

d. A licensee certified by a national EMS certification body may petition the Department to review the certification standards under which the licensee was certified. The Department may waive specific duplicated continuing educational requirements where appropriate. When an external education requirement is found to be more rigorous than these rules, the Department may elect to renew a license based on that education. ()

03. Declarations of Convictions or Adjudications. A candidate for renewal of licensure must provide a declaration of any misdemeanor or felony adjudications. (3-29-12)

04. Time Frame for Application of Licensure Renewals. Documentation of license renewal requirements is due to the EMS Bureau prior to the license expiration date. Failure to submit a complete renewal application by the license expiration date renders the license invalid and the individual must not practice or represent himself as a license holder. (3-29-12)

05. Submit Required Licensure Renewal Fees. A candidate must submit the applicable license renewal fee provided in Section 111 of these rules. A candidate for EMR or EMT level of licensure has no fee requirement. (3-29-12)

121. -- 124. (RESERVED)

125. SUBMISSION OF EMS PERSONNEL LICENSURE APPLICATION AND DOCUMENTATION. Each EMS personnel license holder or candidate is responsible for meeting license renewal requirements and submitting completed license renewal documentation to the EMS Bureau by the current license expiration date. (3-29-12)

- 01. Earliest Submission Date for License Renewal.** ()

a. Licensed EMS personnel may submit renewal application and documentation to the EMS Bureau up to six (6) months prior to the current license expiration date. (3-29-12)()

b. Continuing education (CE) taken after early submission of a renewal application may be counted as CE for the next licensure cycle. Prior to the expiration date of the current license, the licensee must submit written notification to the EMS Bureau of the intention to use those CE hours for the next licensure cycle. ()

02. EMS Personnel License Expiration Date Falls on a Non-Work Day. When a license expiration date falls on a weekend, holiday, or other day the EMS Bureau is closed, the EMS Bureau will accept applications until the close of the next regular business day following the non-work day. (3-29-12)

(BREAK IN CONTINUITY OF SECTIONS)

131. REINSTATEMENT OF A LAPSED EMS PERSONNEL LICENSE. An individual desiring to reinstate a lapsed personnel license must provide documentation that he meets the following requirements: (3-29-12)

01. Declaration of Previous Applications and Licensures. A reinstatement candidate must declare each state or jurisdiction in which he has applied for, been denied, or held an EMS license or certification. (3-29-12)

02. Authorization for Release of Information. A reinstatement candidate must provide authorization for the EMS authority in other states or jurisdictions to release the candidate's registration, licensure, and certification information to the Idaho EMS Bureau. (3-29-12)

03. Provide Current Affiliation with EMS Agency. A reinstatement candidate must declare all organizations in which they are allowed to practice as licensed personnel. The candidate must have a current

affiliation with a licensed EMS agency that functions at, or above, the level of licensure being sought by the candidate. (3-29-12)

04. Documentation of Continuing Education for Lapsed License Reinstatement. A candidate for reinstatement of a lapsed license must provide documentation of continuing education consistent with the license holder's lapsed license. Continuing education requirements are provided in Sections 300 through 325 of these rules. The time frame for meeting the continuing education requirements for reinstatement are as follows: (3-29-12)()

a. The candidate must meet continuing education requirements under Sections 320 through 325 of these rules for the last valid licensure cycle; and (3-29-12)()

b. Additional continuing education hours in any combination of categories and venues, proportionate to the amount of time since the expiration date of the lapsed license, as follows: (3-29-12)

i. EMR -- Three-quarters (3/4) of one (1) hour of continuing education per month of lapsed time. (3-29-12)

ii. EMT -- One and one-half (1 ½) hours of continuing education per month of lapsed time. (3-29-12)

iii. AEMT -- Two and one-quarter (2 ¼) hours of continuing education per month of lapsed time. (3-29-12)

iv. Paramedic -- Three (3) hours of continuing education per month of lapsed time. (3-29-12)

05. Valid Identification for Reinstatement of Lapsed License. A reinstatement candidate must have a valid state driver's license, an Idaho identification card which is issued by a county driver's license examining station, or identification card issued by the Armed Forces of the United States. (3-29-12)

06. Criminal History and Background Check for Reinstatement of Lapsed License. A reinstatement candidate must successfully complete a criminal background check under the provisions in IDAPA 16.05.06, "Criminal History and Background Checks." Denial without the grant of an exemption under IDAPA 16.05.06 will result in denial of reinstatement of licensure. (3-29-12)

07. Pass Standardized Examination for Reinstatement. A reinstatement candidate must successfully complete the standardized examination for the lapsed level of licensure required under IDAPA 16.021.035, "Emergency Medical Services (EMS) -- Education, Instructor, and Examination Requirements." A candidate for reinstatement must successfully complete the standardized *certification* examination within the time period during which the license was lapsed. (3-29-12)()

08. Standardized Exam Attempts For Reinstatement. A candidate for licensure reinstatement is allowed to attempt to successfully pass the standardized exam as follows: (3-29-12)

a. An EMR candidate is allowed three (3) attempts to pass the exam, after which the initial EMR course must be successfully completed again before another three (3) attempts are allowed. (3-29-12)

b. An EMT candidate is allowed three (3) attempts to pass the exam, after which twenty-four (24) hours of remedial education must be successfully completed before another three (3) attempts are allowed. (3-29-12)

c. An AEMT candidate is allowed three (3) attempts to pass the exam, after which thirty-six (36) hours of remedial education must be successfully completed before another three (3) attempts are allowed. (3-29-12)

d. A Paramedic candidate is allowed three (3) attempts to pass the exam, after which forty-eight (48) hours of remedial education must be successfully completed before another three (3) attempts are allowed. (3-29-12)

09. Submit Required Licensure Fee for Reinstatement. A candidate must submit the applicable reinstatement license fee provided in Section 111 of these rules. A candidate for reinstatement of an EMR or EMT level of licensure has no fee requirement. (3-29-12)

10. Expiration Date of a Reinstated License. The expiration date for a lapsed license that is reinstated is determined as provided in Section 115 of these rules. (3-29-12)

11. Reinstatement During Transition. A candidate may reinstate his lapsed license only if he has completed transition requirements for his level of licensure. Education obtained in a transition course may be used to meet the CEU requirements for reinstatement according to Section 300 of these rules. (3-29-12)

132. -- 139. (RESERVED)

140. RECOGNITION OF REGISTRATION, CERTIFICATION OR LICENSURE FROM OTHER JURISDICTIONS.

01. EMS Personnel Licensed or Certified in Other States. An individual, possessing an EMS personnel license or certification from a state other than Idaho, must have prior recognition or reciprocity granted by the EMS Bureau prior to providing emergency medical care in Idaho. The following applies: (3-29-12)

a. An individual certified or licensed in a state that has an interstate compact with Idaho that allows reciprocal recognition of EMS personnel may practice as licensed personnel as defined in the interstate compact. (3-29-12)

b. An individual who is currently licensed or certified by another ~~S~~state to provide emergency medical care can apply to the EMS Bureau for limited recognition to practice in Idaho. ~~Limited recognition does not grant an individual the ability to practice outside of those specified and approved by the EMS Bureau.~~ as provided in Subsection 140.02 of this rule. (3-29-12)()

02. Limited Recognition in Idaho. An individual, who is currently licensed or certified by another state to provide emergency medical care and applies to practice EMS within the confines of a specific incident, may be granted limited recognition by the EMS Bureau. Limited recognition allows an individual to practice EMS in Idaho only within the confines of the specific incident for which it was issued and only for a specified period of time not to exceed the duration of the incident for which it was issued. ()

e03. Personnel with NREMT Registration or Current EMS Certification. An individual, possessing a current NREMT registration or a current EMS certification or license from another state at or above the level of licensure they are seeking in Idaho, is eligible for an Idaho EMS personnel licensure if they satisfy the requirements in Section 110 of these rules ~~prior to providing emergency medical care in Idaho.~~ (3-29-12)()

024. Personnel Licensure Candidate Trained in Other States. A candidate trained outside of Idaho must apply for and obtain an Idaho EMS license as required in Section 110 of these rules prior to providing emergency medical care in Idaho. A declaration that the candidate is fully eligible for EMS licensure in the state in which he was trained, must be obtained from the EMS licensing authority in that state and submitted to the EMS Bureau. (3-29-12)

~~**03. Individual With a NREMT Registration.** An individual possessing only a registration with the National Registry of Emergency Medical Technicians (NREMT) must obtain an Idaho EMS personnel license as required in Section 110 of these rules prior to providing emergency medical care in Idaho.~~ (3-29-12)

(BREAK IN CONTINUITY OF SECTIONS)

300. CONTINUING EDUCATION AND SKILLS PROFICIENCY.

01. Continuing Education Must Meet Objectives of Initial Course Curriculum. All continuing education and skills proficiency assurance must be consistent with the objectives of the initial course curriculum or be a logical progression of those objectives. (3-29-12)

02. Documentation of Continuing Education. Licensed personnel must maintain documentation of all continuing education as follows: (3-29-12)

- a. An EMR and EMT must maintain documentation of continuing education for four (4) years. (3-29-12)
- b. An AEMT and Paramedic must maintain documentation of continuing education for three (3) years. (3-29-12)

03. Transition to New Scope of Practice. Education required to transition to a new scope of practice must meet the following: (3-29-12)

- a. Within the same level of licensure, all transition education may count on an hour-for-hour basis in the appropriate categories within a single venue. When transition education hours exceed seventy-five percent (75%) of the total continuing education hours required, all continuing education hours can be in a single venue; and (3-29-12)
- b. Education must be completed during a single license duration. (3-29-12)

04301. CONTINUING EDUCATION RECORDS ARE SUBJECT TO AUDIT.

The EMS Bureau reserves the right to audit continuing education records to verify that renewal requirements have been met. (3-29-12)

01. Documentation Record. All documentation for continuing education hours must include: ()

- a. Name of attendee; ()
- b. Date education was completed; and ()
- c. Education sponsor or instructor. ()

02. Proof of Completion. The following are acceptable formats for proof of completion of continuing education: ()

- a. Signed course roster; ()
- b. Certificate of completion; ()
- c. Electronic verification of completion of on-line course; ()
- d. Verification of attendance from EMS conference; ()
- e. Verification or proof of providing instruction; or ()
- f. Agency training record validated by agency administrator. ()

~~304~~2. -- 304. (RESERVED)

305. CONTINUING EDUCATION CATEGORIES FOR PERSONNEL LICENSURE RENEWAL.

- 01. ~~Pediatric Assessment and Management~~ **Airway.** (3-29-12)()
- 02. ~~Anatomy and Physiology~~ **Cardiovascular.** (3-29-12)()
- 03. ~~Medical Terminology~~ **Trauma.** (3-29-12)()
- 04. ~~Pathophysiology~~ **Medical.** (3-29-12)()

05. ~~Life Span Development~~ **Operations.** (3-29-12)()
06. ~~Public Health~~ **Pediatrics.** (3-29-12)()
- ~~07. Pharmacology.~~ (3-29-12)
- ~~08. Airway Management, Ventilation, and Oxygenation.~~ (3-29-12)
- ~~09. Patient Assessment.~~ (3-29-12)
- ~~10. Medical Conditions.~~ (3-29-12)
- ~~11. Shock and Resuscitation.~~ (3-29-12)
- ~~12. Trauma.~~ (3-29-12)
- ~~13. Special Patient Populations. Such as bariatric, geriatric, obstetrics, pregnancy, etc.~~ (3-29-12)
- ~~14. EMS Systems and Operations.~~ (3-29-12)
306. -- 309. (RESERVED)
- 310. VENUES OF CONTINUING EDUCATION FOR PERSONNEL LICENSURE RENEWAL.**
Continuing education for all personnel must include at least two (2) of the venues described in Subsections 310.01 through 310.12 of this rule for each licensure period. ()
01. **Structured Classroom Sessions.** (3-29-12)
02. **Refresher Programs.** Refresher programs that revisit the original curriculum and have an evaluation component (3-29-12)
03. **Nationally Recognized Courses.** (3-29-12)
04. **Regional and National Conferences.** (3-29-12)
05. **Teaching Continuing Education Topics.** The continuing education topics being taught must fall under the categories in Section 305 of these rules. (3-29-12)
06. **Agency Medical Director-Approved Self-Study or Directed Study.** This venue is not allowed to be used for a certificate of eligibility continuing education requirement ~~under Section 350 of these rules.~~ (3-29-12)()
07. **Case Reviews and Grand Rounds.** (3-29-12)
08. **Distributed Education.** This venue includes distance and blended education using computer, video, audio, Internet, and CD resources (3-29-12)
09. **Journal Article Review with an Evaluation Instrument.** (3-29-12)
10. **Author or Co-Author an EMS-Related Article in a Nationally Recognized Publication.** ~~The article must be published in an EMS-specific publication.~~ (3-29-12)()
- 11. Simulation Training.** ()
- 12. Evaluator at a State or National Psychomotor Exam.** ()

311. -- 319. (RESERVED)

320. ~~EMR-LEVEL LICENSE RENEWAL CONTINUING EDUCATION AND SKILLS PROFICIENCY REQUIREMENTS.~~

An ~~EMR-level~~ license renewal candidate must provide documentation of the following continuing education hours provided in the table below during each licensure period. (3-29-12)()

~~**01- EMR Level Continuing Education Hours Needed for License Renewal.** A candidate must provide proof of successful completion of twenty-four (24) hours of continuing education. The types of continuing education courses and the number of hours required for EMR level licensure are:~~ (3-29-12)

~~**a-** A minimum of two (2) hours in pediatrics;~~ (3-29-12)

~~**b-** A minimum of three (3) hours in EMS Systems and Operations earned by completing state-approved Landing Zone Officer (LZO) and extrication awareness training. Continuing education hours are awarded as follows:~~ (3-29-12)

~~**i-** For LZO training, two (2) hours in classroom presentation, or one (1) hour in distributed education;~~ (3-29-12)

~~**ii-** For extrication awareness training, two (2) hours in classroom presentation, or one (1) hour in distributed education;~~ (3-29-12)

~~**c-** Two (2) hours in six (6) categories other than pediatrics and EMS Systems and Operations listed in Section 305 of these rules, for twelve (12) continuing education hours; and~~ (3-29-12)

~~**d-** Seven (7) hours of continuing education can be from any single category or combination of categories listed in Section 305 of these rules.~~ (3-29-12)

~~**02- Skills Proficiency for EMR Level License Renewal.** A candidate must demonstrate proficiency in the skills necessary to provide safe and effective patient care at the EMR licensure level under the authority of IDAPA 16.02.02, "Rules of the Idaho Emergency Medical Services Physician Commission," as follows:~~ (3-29-12)

~~**a-** Recognize and manage acute traumatic and medical life threats or conditions based on patient assessment findings for pediatric, adult, geriatric, and special needs patients; and~~ (3-29-12)

~~**b-** Specific skills for an EMR that includes:~~ (3-29-12)

~~**i-** Airway, ventilation, and oxygenation;~~ (3-29-12)

~~**ii-** Cardiovascular and circulation;~~ (3-29-12)

~~**iii-** Immobilization;~~ (3-29-12)

~~**iv-** Medication administration;~~ (3-29-12)

~~**v-** Normal childbirth;~~ (3-29-12)

~~**vi-** Patient care reporting documentation; and~~ (3-29-12)

~~**vii-** Safety and operations.~~ (3-29-12)

TABLE 320				
LICENSE RENEWAL CONTINUING EDUCATION (CE) REQUIREMENTS				
CE CATEGORIES	EMR	EMT	AEMT	AEMT
	24 TOTAL CE Hours	48 TOTAL CE Hours	54 TOTAL CE Hours	54 TOTAL CE Hours
<u>An individual must complete at least 1 hour of continuing education in each category.</u>				
<u>Airway, Respiration, and Ventilation</u>	<u>No more than 7 CE hours in any single category may be counted toward the total number of CE Hours needed for renewal.</u>	<u>No more than 14 CE hours in any single category may be counted toward the total number of CE Hours needed for renewal.</u>	<u>No more than 16 CE hours in any single category may be counted toward the total number of CE Hours needed for renewal.</u>	<u>No more than 22 CE hours in any single category may be counted toward the total number of CE Hours needed for renewal.</u>
<u>Cardiovascular</u>				
<u>Trauma</u>				
<u>Medical</u>				
<u>Operations: Landing Zone & Extrication Awareness</u>				
<u>Pediatrics</u>	<u>2 hours</u>	<u>4 hours</u>	<u>6 hours</u>	<u>6 hours</u>

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321. -- 324. (RESERVED)

325. ~~EMT-LEVEL~~ LICENSE RENEWAL ~~CONTINUING EDUCATION AND~~ SKILLS PROFICIENCY REQUIREMENTS.

~~An EMT-level license renewal candidate must provide documentation of the following during each licensure period demonstrate proficiency in the skills necessary to provide safe and effective patient care at the licensure level consistent with the scope of practice provided in IDAPA 16.02.02, "Rules of the Idaho Emergency Medical Services (EMS) Physician Commission."~~ (3-29-12)()

~~**01. EMT Level Continuing Education Hours Needed for License Renewal.** A candidate must provide proof of successful completion of forty-eight (48) hours of continuing education. The types of continuing education courses and the number of hours needed for EMT level licensure are:~~ (3-29-12)

~~**a.** A minimum of four (4) hours in pediatrics;~~ (3-29-12)

~~**b.** A minimum of three (3) hours in EMS Systems and Operations earned by completing state-approved Landing Zone Officer (LZO) and extrication awareness training. Continuing education hours are awarded as follows:~~ (3-29-12)

~~**i.** For LZO training, two (2) hours in classroom presentation, or one (1) hour in distributed education;~~ (3-29-12)

~~**ii.** For extrication awareness training, two (2) hours in classroom presentation, or one (1) hour in distributed education;~~ (3-29-12)

~~**c.** Four (4) hours in eight (8) categories other than pediatrics and EMS Systems and Operations listed in Section 305 of these rules for thirty-two (32) hours; and~~ (3-29-12)

~~**d.** Nine (9) hours can be from any single category or combination of categories listed in Section 305~~

~~of these rules. (3-29-12)~~

~~**02. Venues Where Continuing Education May be Taken.** Continuing education for personnel licensed at the EMT level must include four (4) of the continuing education venues listed in Section 310 of these rules during each licensure period. (3-29-12)~~

~~**03. Skills Proficiency for EMT Level License Renewal.** A candidate must demonstrate proficiency in the skills necessary to provide safe and effective patient care at the EMT licensure level under the authority of IDAPA 16.02.02, "Rules of the Idaho Emergency Medical Services Physician Commission," as follows: (3-29-12)~~

~~**a.** Recognize and manage acute traumatic and medical life threats or conditions based on patient assessment findings for pediatric, adult, geriatric, and special needs patients; and (3-29-12)~~

~~**b.** Specific skills for an EMT that includes: (3-29-12)~~

~~**i.** Airway, ventilation, and oxygenation; (3-29-12)~~

~~**ii.** Cardiovascular and circulation; (3-29-12)~~

~~**iii.** Immobilization; (3-29-12)~~

~~**iv.** Medication administration; (3-29-12)~~

~~**v.** Normal and complicated childbirth; (3-29-12)~~

~~**vi.** Patient care reporting documentation; and (3-29-12)~~

~~**vii.** Safety and transport operations. (3-29-12)~~

~~326.—329. (RESERVED)~~

~~**330. AEMT LEVEL LICENSE RENEWAL CONTINUING EDUCATION AND SKILLS PROFICIENCY REQUIREMENTS.**~~

~~An AEMT license renewal candidate must provide documentation of the following during each licensure period: (3-29-12)~~

~~**01. AEMT Level Continuing Education Hours Needed for License Renewal.** A candidate must provide proof of successful completion of fifty four (54) hours of continuing education. The types of continuing education courses and the number of hours needed for AEMT level licensure are: (3-29-12)~~

~~**a.** A minimum of six (6) hours in pediatrics; (3-29-12)~~

~~**b.** A minimum of three (3) hours in EMS Systems and Operations earned by completing state-approved Landing Zone Officer (LZO) and extrication awareness training. Continuing education hours are awarded as follows: (3-29-12)~~

~~**i.** For LZO training, two (2) hours in classroom presentation, or one (1) hour in distributed education; (3-29-12)~~

~~**ii.** For extrication awareness training, two (2) hours in classroom presentation, or one (1) hour in distributed education; (3-29-12)~~

~~**c.** Four (4) hours in nine (9) categories other than pediatrics and EMS Systems and Operations listed in Section 305 of these rules, for thirty six (36) hours; and (3-29-12)~~

~~**d.** Nine (9) hours of continuing education can be from any single category or combination of categories listed in Section 305 of these rules. (3-29-12)~~

~~02. Venues Where Continuing Education for AEMT License Renewal May be Taken. Continuing education for personnel licensed at the AEMT level must include four (4) of the continuing education venues listed in Section 310 of these rules during each licensure period. (3-29-12)~~

~~03. Skills Proficiency for AEMT Level License Renewal. A candidate must demonstrate proficiency in the skills necessary to provide safe and effective patient care at the AEMT licensure level under the authority of IDAPA 16.02.02, "Rules of the Idaho Emergency Medical Services Physician Commission," as follows: (3-29-12)~~

~~a. Recognize and manage acute traumatic and medical life threats or conditions based on patient assessment findings for pediatric, adult, geriatric, and special needs patients; and (3-29-12)~~

~~b. Specific skills for an AEMT that includes: (3-29-12)~~

~~i. Advanced airway, ventilation, and oxygenation; (3-29-12)~~

~~ii. Cardiovascular and circulation; (3-29-12)~~

~~iii. Immobilization; (3-29-12)~~

~~iv. Medication administration; (3-29-12)~~

~~v. Normal and complicated childbirth; (3-29-12)~~

~~vi. Patient care reporting documentation; (3-29-12)~~

~~vii. Safety and transport operations; and (3-29-12)~~

~~viii. Vascular access. (3-29-12)~~

~~331. 334. (RESERVED)~~

~~335. PARAMEDIC LEVEL LICENSE RENEWAL CONTINUING EDUCATION AND SKILLS PROFICIENCY REQUIREMENTS.~~

~~A paramedic license renewal candidate must provide documentation of the following during each licensure period. (3-29-12)~~

~~01. Paramedic Level Continuing Education Hours Needed for License Renewal. A candidate must provide proof of successful completion of seventy-two (72) hours of continuing education. The types of continuing education courses and the number of hours needed for paramedic level licensure are: (3-29-12)~~

~~a. A minimum of eight (8) hours in pediatrics; (3-29-12)~~

~~b. A minimum of three (3) hours in EMS Systems and Operations earned by completing state-approved Landing Zone Officer (LZO) and extrication awareness training. Continuing education hours are awarded as follows: (3-29-12)~~

~~i. For LZO training, two (2) hours in classroom presentation, or one (1) hour in distributed education; (3-29-12)~~

~~ii. For extrication awareness training, two (2) hours in classroom presentation, or one (1) hour in distributed education; (3-29-12)~~

~~c. Four (4) hours in eleven (11) categories other than pediatrics and EMS Systems and Operations listed in Section 305 of these rules, for forty-four (44) hours; and (3-29-12)~~

~~d. Seventeen (17) hours can be from any single category or a combination of categories listed in~~

~~Section 305 of these rules. (3-29-12)~~

~~02. **Venues Where Continuing Education for Paramedic Level License Renewal May be Taken.** Continuing education for personnel licensed at the paramedic level must include six (6) of the continuing education venues listed in Section 310 of these rules during each licensure period. (3-29-12)~~

~~03. **Skills Proficiency for Paramedic Level License Renewal.** A candidate must demonstrate proficiency in the skills necessary to provide safe and effective patient care at the Paramedic licensure level under the authority of IDAPA 16.02.02, "Rules of the Idaho Emergency Medical Services Physician Commission," as follows: (3-29-12)~~

~~a. Recognize and manage acute traumatic and medical life threats or conditions based on patient assessment findings for pediatric, adult, geriatric, and special needs patients; and (3-29-12)~~

~~b. Specific skills for a Paramedic that includes: (3-29-12)~~

~~i. Advanced airway, ventilation, and oxygenation, to include endotracheal intubation; (3-29-12)~~

~~ii. Cardiovascular and circulation, to include cardiac rhythm interpretation; (3-29-12)~~

~~iii. Immobilization; (3-29-12)~~

~~iv. Medication administration, to include parenteral drug administration; (3-29-12)~~

~~v. Normal and complicated childbirth; (3-29-12)~~

~~vi. Patient care reporting documentation; (3-29-12)~~

~~vii. Safety and transport operations; (3-29-12)~~

~~viii. Vascular access; and (3-29-12)~~

~~ix. Manual defibrillation. (3-29-12)~~

~~336.—349. (RESERVED)~~

~~350. **CONTINUING EDUCATION AND SKILLS PROFICIENCY FOR RENEWAL OF CERTIFICATE OF ELIGIBILITY REQUIREMENTS.**~~

~~A certificate of eligibility renewal candidate must provide documentation demonstrating completion of the following during each period of eligibility. (3-29-12)~~

~~01. **Examination.** A candidate must have successfully completed the standardized examination designated by the EMS Bureau for the certificate of eligibility. (3-29-12)~~

~~02. **Continuing Education for Certificate of Eligibility Licensure Level.** A candidate must provide proof of successful completion of continuing education hours for the types of continuing education courses, the number of hours needed for a specific certificate of eligibility licensure level, and in the venues as required for the following: (3-29-12)~~

~~a. EMR licensure level renewal required in Section 320 of these rules. (3-29-12)~~

~~b. EMT licensure level renewal required in Section 325 of these rules. (3-29-12)~~

~~c. AEMT licensure level renewal required in Section 330 of these rules. (3-29-12)~~

~~d. Paramedic licensure level renewal required in Section 335 of these rules. (3-29-12)~~

~~351. -- 399.~~ (RESERVED)

~~400. INVESTIGATION OF COMPLAINTS FOR PERSONNEL LICENSING VIOLATIONS.~~

~~Investigation of complaints and disciplinary actions for personnel licensing are provided under IDAPA 16.01.12, "Emergency Medical Services (EMS) Complaints, Investigations, and Disciplinary Actions." (3-29-12)~~

~~401. ADMINISTRATIVE LICENSE OR CERTIFICATION ACTION.~~

~~Any license or certification may be suspended, revoked, denied, or retained with conditions for noncompliance with any standard or rule. Administrative license or certification actions imposed by the EMS Bureau for any action, conduct, or failure to act which is inconsistent with the professionalism, or standards, or both, are provided under Sections 56-1011 through 56-1023, Idaho Code, and IDAPA 16.01.12, "Emergency Medical Services (EMS) Complaints, Investigations, and Disciplinary Actions." (3-29-12)~~

~~402~~³²⁶. -- 999. (RESERVED)

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

**16.01.12 - EMERGENCY MEDICAL SERVICES (EMS) -- COMPLAINTS,
INVESTIGATIONS, AND DISCIPLINARY ACTIONS**

DOCKET NO. 16-0112-1501

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 56-1011 through 56-1023, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

**Tuesday, August 11, 2015 - 10:00 a.m.
MDT**

**2224 East Old Penitentiary Road
Boise, ID 83712**

**PARTICIPATION BY WEBINAR
(for those who are unable to attend the hearing)**

To join the webinar, go to:
<https://global.gotomeeting.com/join/553709749>

Use your microphone and speakers (VoIP) -- a headset is recommended. Or, call in using your telephone.

Dial: 1 (646) 749-3122
Access Code: 553-709-749

Audio PIN: Shown after joining the meeting using URL above
Meeting ID: 553-709-749

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:

These rules are being amended to align with a new chapter of rules that provides the education, instructor, and examination standards an individual must meet to be a licensed EMS provider in Idaho. These rules include additions and references to rules from IDAPA 16.02.03, "Emergency Medical Services," a chapter being repealed, and to the new chapter IDAPA 16.01.05, "Emergency Medical Services (EMS) -- Education, Instructors, and Examination Requirements."

Updates have been made to align these rules with the agency and personnel licensing requirements that provide clarity for enforcement actions that can be taken. Language for professional standards has been removed from this chapter and placed in the appropriate licensing chapter.

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:

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 held under the Personnel Licensing and the Education chapters, but not specifically for this EMS chapter. The changes in this rule are being made for clarity and to align with the new education chapter and remove references to the repealed chapter.

INCORPORATION BY REFERENCE: There are no documents incorporated in this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Bruce Cheeseman 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 August 26, 2015.

DATED this 7th Day of July, 2015.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
(208) 334-5500 phone; (208) 334-6558 fax
E-mail: dhwrules@dhw.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT FOR DOCKET NO. 16-0112-1501
(Only those Sections being amended are shown.)

001. TITLE AND SCOPE.

01. Title. The title of these rules is IDAPA 16.01.12, "Emergency Medical Services (EMS) -- Complaints, Investigations, and Disciplinary Actions." (3-29-12)

02. Scope. These rules provide for the management of complaints, investigations, enforcement, and disciplinary actions by the EMS Bureau for personnel and agency licensure and certification, and educational programs and instructor approval. (3-29-12)()

(BREAK IN CONTINUITY OF SECTIONS)

110. REPORTING SUSPECTED VIOLATION.

01. Suspected Violations. Any person may report a suspected violation of any law or rule governing EMS, ~~including:~~ (7-1-14)()

~~a. Sections 56-1011 through 56-1023, Idaho Code;~~ (7-1-14)

~~b. IDAPA 16.02.02, "Rules of the Idaho Emergency Medical Services (EMS) Physician Commission";~~ (7-1-14)

~~c. IDAPA 16.01.03, "Emergency Medical Services (EMS) -- Agency Licensing Requirements";~~

- ~~d.~~ ~~IDAPA 16.01.07, "Emergency Medical Services (EMS) Personnel Licensing Requirements"; or~~ (7-1-14)
(7-1-14)
- ~~e.~~ ~~IDAPA 16.02.03, "Emergency Medical Services."~~ (7-1-14)

02. **Report Violation.** To report a suspected violation, contact the EMS Bureau described in Section 005 of these rules. (7-1-14)

(BREAK IN CONTINUITY OF SECTIONS)

200. EMS BUREAU INITIATES OFFICIAL INVESTIGATION.

An official investigation will be initiated when the any of the following occurs: (3-29-12)

01. **Complaint with Allegations.** A complaint with an allegation that, if substantiated, would be in violation of any law or rule governing EMS, ~~including:~~ (7-1-14)()

- ~~a.~~ ~~Sections 56-1011 through 56-1023, Idaho Code;~~ (7-1-14)
- ~~b.~~ ~~IDAPA 16.01.03, "Emergency Medical Services (EMS) Agency Licensing Requirements";~~ (7-1-14)
- ~~c.~~ ~~IDAPA 16.01.07, "Emergency Medical Services (EMS) Personnel Licensing Requirements";~~ (7-1-14)
- ~~d.~~ ~~IDAPA 16.01.12, "Emergency Medical Services (EMS) Complaints, Investigations, and Disciplinary Actions";~~ (7-1-14)
- ~~e.~~ ~~IDAPA 16.02.02, "Rules of the Idaho Emergency Medical Services (EMS) Physician Commission";~~ (7-1-14)
- ~~f.~~ ~~IDAPA 16.02.03, "Emergency Medical Services."~~ (7-1-14)

02. **Discovery of Potential Violation of Statute or Administrative Rule.** EMS Bureau staff or other authorities discover a potential violation of any law or rule governing EMS, ~~including:~~ (7-1-14)()

- ~~a.~~ ~~Sections 56-1011 through 56-1023, Idaho Code;~~ (7-1-14)
- ~~b.~~ ~~IDAPA 16.01.03, "Emergency Medical Services (EMS) Agency Licensing Requirements";~~ (7-1-14)
- ~~c.~~ ~~IDAPA 16.01.07, "Emergency Medical Services (EMS) Personnel Licensing Requirements";~~ (7-1-14)
- ~~d.~~ ~~IDAPA 16.01.12, "Emergency Medical Services (EMS) Complaints, Investigations, and Disciplinary Actions";~~ (7-1-14)
- ~~e.~~ ~~IDAPA 16.02.02, "Rules of the Idaho Emergency Medical Services (EMS) Physician Commission";~~ (7-1-14)
- ~~f.~~ ~~IDAPA 16.02.03, "Emergency Medical Services."~~ (7-1-14)

201. -- 209. (RESERVED)

210. VIOLATIONS THAT MAY RESULT IN ADMINISTRATIVE ACTIONS.

The EMS Bureau may impose ~~an~~ administrative actions, ~~such as~~ including denial, revocation, suspension, or retention under conditions ~~that include, but are not limited to, those~~ specified in Sections 300 through 399 of these rules. Administrative actions may be imposed on any of the following: the holder of, or an applicant or candidate for, an EMS license, or certificate, education program approval, or recognition ~~or on an applicant or candidate for an EMS license or certificate~~. Administrative actions may be imposed on any of the previously mentioned for any action, conduct, or failure to act that is inconsistent with the professionalism, standards, or both, established by statute or rule. (3-29-12)()

- ~~01. Violation of Statute or Administrative Rules. (3-29-12)~~
- ~~a. Sections 56-1011 through 56-1023, Idaho Code; (3-29-12)~~
- ~~b. IDAPA 16.01.03, "Emergency Medical Services (EMS) — Agency Licensing Requirements"; (7-1-14)~~
- ~~e. IDAPA 16.01.07, "Emergency Medical Services (EMS) — Personnel Licensing Requirements"; (7-1-14)~~
- ~~d. IDAPA 16.01.12, "Emergency Medical Services (EMS) — Complaints, Investigations, and Disciplinary Actions"; (7-1-14)~~
- ~~and e. IDAPA 16.02.02, "Rules of the Idaho Emergency Medical Services (EMS) Physician Commission"; (7-1-14)~~
- ~~f. IDAPA 16.02.03, "Emergency Medical Services." (7-1-14)~~
- ~~02. Unprofessional Conduct. Any act that violates professional standards required under IDAPA 16.01.07, "EMS — Personnel Licensure Requirements." (3-29-12)~~
- ~~03. Failure to Maintain Standards of Knowledge, Proficiency, or Both. Failure to maintain standards of knowledge, or proficiency, or both, required under: (7-1-14)~~
 - ~~a. IDAPA 16.01.07, "Emergency Medical Services (EMS) — Personnel Licensure Requirements"; and (7-1-14)~~
 - ~~b. IDAPA 16.02.02, "Rules of the Idaho Emergency Medical Services (EMS) Physician Commission." (7-1-14)~~
- ~~04. Mental Incompetency. A lawful finding of mental incompetency by a court of competent jurisdiction. (3-29-12)~~
- ~~05. Impairment of Function. Performance of duties pursuant to an EMS personnel license while under the influence of alcohol, illegal substance, or legal drug or medication causing impairment of function. (3-29-12)~~
- ~~06. Denial of Criminal History Clearance. Any conduct, action, or conviction that does or would result in denial of a criminal history clearance under IDAPA 16.05.06, "Criminal History and Background Checks." (3-29-12)~~
- ~~07. Discipline, Restriction, Suspension, or Revocation. Discipline, restriction, suspension, or revocation by any other jurisdiction. (3-29-12)~~
- ~~08. Danger or Threat to Persons or Property. Any conduct, condition, or circumstance determined by the EMS Bureau that constitutes a danger or threat to the health, safety, or well-being of persons or property. (3-29-12)~~
- ~~09. Performing Medical Procedure or Providing Medication that Exceeds the Scope of Practice of~~

~~the Level of Licensure. Performing any medical procedure or providing medication that deviates from or exceeds the scope of practice for the corresponding level of licensure established under IDAPA 16.02.02, "Rules of the Idaho Emergency Medical Services (EMS) Physician Commission."~~ (3-29-12)

~~10. Falsification of Applications or Reports. The submission of fraudulent or false information in any report, application, or documentation to the EMS Bureau.~~ (3-29-12)

~~11. Attempting to Obtain a License by Means of Fraud. Misrepresentation in an application, or documentation, for licensure by means of concealment of a material fact.~~ (3-29-12)

(BREAK IN CONTINUITY OF SECTIONS)

240. INVESTIGATION CONFIDENTIALITY.

01. Informal Resolution. Informal resolution of complaints or non-compliance by guidance or ~~warning letter~~ negotiated resolution is ~~considered official correspondence and is~~ not public information. (3-29-12)()

02. Administrative License Action. Preliminary investigations and documents supplied or obtained in connection with them are confidential until a formal notice of administrative license action is issued. (3-29-12)

(BREAK IN CONTINUITY OF SECTIONS)

300. ~~PERSONNEL~~ ACTIONS RESULTING FROM INVESTIGATIONS.

The following actions may be imposed upon the subject of an investigation by the EMS Bureau without peer review: (3-29-12)()

01. ~~Personnel~~ Letter of Guidance. The EMS Bureau may issue a letter of guidance, directing the subject of the investigation to the standards, rules, educational resources, or local jurisdiction for resolution of minor non-compliance issues where no injury or threat of harm to the public, profession, or EMS system occurred. The subject of the investigation must show a willingness to become compliant and correct the issue within thirty (30) days of receipt of the personnel guidance letter. (3-29-12)()

02. ~~Personnel~~ Warning Letter. The EMS Bureau may issue a warning letter for a first offense where an unlicensed individual is providing patient care in violation of Section 56-1020, Idaho Code; ~~or.~~ (3-29-12)()

03. ~~Negotiated Resolution for Personnel~~. The EMS Bureau may negotiate a resolution with the subject of an investigation where allegations of misconduct or medical scope of practice non-compliance, if found to be true, did not cause, or is not likely to cause, injury or harm to the public, profession, or EMS system. The issue must be resolved and corrected within thirty (30) days of the negotiated resolution or settlement agreed to by both the subject of the investigation and the EMS Bureau. (3-29-12)()

a. Negotiated resolution participants will include the subject of the investigation, EMS Bureau staff and other parties deemed appropriate by the EMS Bureau. (3-29-12)

b. During the negotiated resolution process, the subject of the investigation may be offered specific remediation or disciplinary action by consent, which, if agreed to, will resolve the matter with no further right to appeal unless stipulated and agreed to at the time that the remediation or disciplinary action is agreed upon. (3-29-12)

c. When the remediation or disciplinary action is not agreed to by consent of both the subject of the investigation and the EMS Bureau, the matter may then be referred to a peer review. (3-29-12)

~~301.—309.~~ (RESERVED)

~~310. AGENCY ACTIONS RESULTING FROM INVESTIGATIONS.~~

~~The following actions may be imposed upon an EMS agency that is the subject of an investigation by the EMS Bureau without peer review: (3-29-12)~~

~~01. Agency Letter of Guidance. The EMS Bureau may issue a letter of guidance, directing the EMS agency to the standards, rules, educational resources, or local jurisdiction for resolution of minor non-compliance issues where no injury or threat of harm to the public or EMS system occurred. The EMS agency must show a willingness to become compliant and correct the issue within thirty (30) days of receipt the agency guidance letter. (3-29-12)~~

~~02. Agency Warning Letter. The EMS Bureau may issue a warning letter for a first offense where an organization is providing unlicensed emergency medical services in violation of Section 56-1021, Idaho Code. (3-29-12)~~

~~03. Negotiated Resolution for an Agency. The EMS Bureau may negotiate a resolution with the subject of an investigation, where the allegations, if found to be true, did not cause, or is not likely to cause, injury or harm to the public or EMS system. The issue must be resolved within thirty (30) days of the negotiated resolution or a settlement agreed to by both the subject of the investigation and the EMS Bureau. (3-29-12)~~

~~a. Negotiated resolution participants will include representatives from the EMS agency or the subject under investigation, EMS Bureau staff, and other parties deemed appropriate by the EMS Bureau. (3-29-12)~~

~~b. During the negotiated resolution process, the subject of the investigation may be offered specific remediation or disciplinary action by consent, which, if agreed to, will resolve the matter with no further right to appeal unless stipulated and agreed to at the time that the remediation or disciplinary action is agreed upon. (3-29-12)~~

~~c. When remediation or disciplinary action is not agreed to by consent of both the subject of the investigation and the EMS Bureau, the matter may then be referred to a peer review. (3-29-12)~~

~~310.1. -- 319. (RESERVED)~~

320. PEER REVIEW.

The EMS Bureau may elect to conduct a peer review for ~~an~~ alleged statute or rule violations when it determines that a peer review is an appropriate action, or a negotiated resolution or settlement agreement described in Section ~~s~~ 300 ~~and 310~~ of these rules, is not reached. The peer review is conducted as follows: (3-29-12)()

01. Review of Case by Peer Review Team. The peer review team reviews the case details, subject's background, affiliation, licensure history, associated evidence, and documents, and then considers aggravating and mitigating circumstance as follows: (3-29-12)

a. Aggravating circumstances can include: prior or multiple offenses, vulnerability of victim, obstruction of the investigation, and dishonesty. (3-29-12)

b. Mitigating circumstances can include: absence of prior offenses, absence of dishonest or selfish motive, timely effort to rectify situation, interim successful rehabilitation, misdirection per agency protocol, or medical direction. (3-29-12)

02. Subject Given Opportunity to Respond. The subject of the investigation will be given the opportunity to respond in writing, by teleconference, or at the option of the EMS Bureau, in person to the alleged violation. (3-29-12)

03. Evaluation of Evidence. The peer review team will evaluate the evidence and make a majority decision of the finding for each alleged statute, rule, or standards violation, including any additional detected violations. (3-29-12)

04. Recommend Action. The peer review team will recommend actions to the EMS Bureau. If subject is found to have violated statutes, rules, or standards, the recommendations may include the following: (3-29-12)

- a. Administrative license action, time frames, conditions, and fines, if imposed, on an EMS agency: ~~(3-29-12)~~()
- b. Administrative license action, time frames, and conditions, if imposed, on EMS personnel: ~~or (3-29-12)~~()
- c. Administrative action, time frames, conditions, and fines, if imposed, on an EMS approved education program or instructor certificate. ()

321. -- 329. (RESERVED)

330. ADMINISTRATIVE ACTIONS ~~IMPOSED FOR LICENSURE OR CERTIFICATION.~~

The EMS Bureau may impose the following administrative actions: (3-29-12)

01. Deny ~~or Refuse to Renew EMS Personnel License or Certification~~ Application. The EMS Bureau may deny an application for an EMS personnel license, EMS certificate of eligibility, EMS personnel limited recognition, EMS agency license, EMS education program approval, or refuse to renew an EMS personnel license or instructor certification: ~~(3-29-12)~~()

a. When the application ~~for licensure or certification~~ is not complete or the individual applicant does not meet the eligibility requirements provided in Sections 56-1011 through 56-1023, Idaho Code, IDAPA 16.01.07, "Emergency Medical Services (EMS) -- Personnel Licensing Requirements," IDAPA 16.02.02, "Rules of the Idaho Emergency Medical Services (EMS) Physician Commission," ~~or~~ IDAPA 16.021.035, "Emergency Medical Services (EMS) -- Education, Instructor, and Examination Requirements"; or ~~(3-29-12)~~()

~~b. Pending final outcome of an EMS investigation or criminal proceeding when criminal charges or allegations indicate an imminent danger or threat to the health, safety, or well-being of persons or property.~~(3-29-12)

~~eb.~~ For any reason that would justify an administrative action according to Section 210 of these rules. (3-29-12)

~~d. Decisions to deny or refuse to renew an EMS license will be reviewed by the Idaho EMS Physicians Commission at the Commission's next available meeting.~~ (3-29-12)

02. ~~Deny or Refuse to Renew EMS Agency License.~~ The EMS Bureau may deny an EMS agency license or refuse to renew an EMS personnel license, EMS personnel certificate of eligibility, EMS agency license, EMS education program approval, or EMS instructor certification: ~~(3-29-12)~~()

a. When the renewal application ~~for licensure~~ is not complete or does not meet the eligibility requirements provided in Sections 56-1011 through 56-1023, Idaho Code, and IDAPA 16.01.03, "Emergency Medical Services (EMS) -- Agency Licensing Requirements," IDAPA 16.01.05, "Emergency Medical Services (EMS) -- Education, Instructor, and Examination Requirements," 16.01.07, "Emergency Medical Services (EMS) -- Personnel Licensing Requirements," or IDAPA 16.02.02, "Rules of the Idaho Emergency Medical Services (EMS) Physician Commission"; or ~~(7-1-14)~~()

b. Pending final outcome of an EMS investigation or criminal proceeding when criminal charges or allegations indicate an imminent danger or threat to the health, safety, or well-being of persons or property: ~~or (3-29-12)~~()

c. For any reason that would justify an administrative action according to Section 210 of these rules. (3-29-12)

03. Retain with Probationary Conditions ~~for Personnel License or Certification.~~ The EMS Bureau may allow the holder of an EMS personnel license, ~~or~~ EMS certificate ~~holder~~ of eligibility, EMS personnel limited

recognition, EMS agency license, EMS education program approval, or EMS instructor certification to retain a license, approval, or certificate as agreed to in a negotiated resolution, settlement, or with conditions imposed by the EMS Bureau. ~~Decisions to retain an EMS personnel license with probationary conditions will be reviewed by the Idaho EMS Physician Commission at the Commission's next available meeting.~~ (3-29-12)()

~~04. Retain with Probationary Conditions for Agency License. The EMS Bureau may allow an EMS agency to retain a license as agreed to in a negotiated resolution, settlement, or with conditions imposed by the EMS Bureau.~~ (3-29-12)

054. Suspend ~~EMS Personnel License or Certificate~~. The EMS Bureau may suspend an EMS personnel license, ~~or EMS certificate of eligibility, EMS personnel limited recognition, EMS agency license, EMS education program approval, or EMS instructor certification~~ for: (3-29-12)()

a. A period of time up to twelve (12) months, with or without conditions; or (3-29-12)

b. Pending final outcome of an EMS investigation or criminal proceeding when criminal charges or allegations indicate an imminent danger or threat to the health, safety, or well-being of persons or property. (3-29-12)()

~~e. Decisions to suspend an EMS personnel license will be reviewed by the Idaho EMS Physician Commission at the Commission's next available meeting.~~ (3-29-12)

065. Revoke ~~EMS Personnel License or Certificate~~. The EMS Bureau may revoke an EMS personnel license, ~~or EMS certificate of eligibility, EMS personnel limited recognition, EMS agency license, EMS education program approval, or EMS instructor certification~~ when: (3-29-12)()

a. A peer review team recommends ~~license or certificate~~ revocation; or (3-29-12)()

b. The license or certificate holder is found to no longer be eligible for criminal history clearance per IDAPA 16.05.06, "Criminal History and Background Checks." (3-29-12)()

~~c. Decisions to revoke an EMS personnel license will be reviewed by the Idaho EMS Physician Commission at the Commission's next available meeting.~~ The EMS Bureau will notify the city, fire district, hospital district, ambulance district, dispatch center, and county in which an EMS agency provides emergency prehospital response upon revocation of an EMS agency license. (3-29-12)()

~~07. Revoke EMS Agency License. The EMS Bureau may revoke an EMS agency license when:~~ (3-29-12)

~~a. A peer review team recommends license revocation;~~ (3-29-12)

~~b. The EMS Bureau will notify the city, fire district, hospital district, ambulance district, dispatch center, and county in which the EMS agency provides emergency prehospital response that the EMS Bureau is considering license revocation.~~ (3-29-12)

06. Review of Administrative Actions by the EMS Physician Commission. The EMS Physician Commission must review, at their next available meeting, administrative actions taken by the Department as described in Subsections 330.01 through 330.05 of this rule. ()

331. -- 339. (RESERVED)

340. VIOLATIONS THAT MAY RESULT IN FINES BEING IMPOSED ON EMS AGENCY.

In addition to administrative license actions provided in Section 56-1022, Idaho Code, and these rules, a fine may be imposed by the EMS Bureau upon recommendation of a peer review team on a licensed EMS agency as a consequence of agency violations. Fines may be imposed for the following violations: (3-29-12)

01. Operating An Unlicensed EMS Agency. Operating without a license required in IDAPA

- 16.01.03, "Emergency Medical Services (EMS) -- Agency Licensing Requirements," including: (7-1-14)
- a. Failure to obtain an initial license; (3-29-12)
 - b. Failure to obtain a license upon change in ownership; or (3-29-12)
 - c. Failure to renew a license and continues to operate as an EMS agency. (3-29-12)
- 02. Unlicensed Personnel Providing Patient Care.** Allowing an unlicensed individual to provide patient care without first obtaining an EMS personnel license required in IDAPA 16.01.07, "Emergency Medical Services (EMS) -- Personnel Licensing Requirements," at the appropriate level for the EMS agency. (3-29-12)
- 03. Failure to Respond.** Failure of the EMS agency to respond to a 911 request for service within the agency primary response area in a typical manner of operations when dispatched to a medical illness or injury, under licensure requirements in IDAPA 16.01.03, "Emergency Medical Services (EMS) -- Agency Licensing Requirements," except when the responder reasonably determines that: (7-1-14)
- a. There are disaster conditions; (3-29-12)
 - b. Scene safety hazards are present or suspected; or (3-29-12)
 - c. Law enforcement assistance is necessary to assure scene safety, but has not yet allowed entry to the scene. (3-29-12)
- 04. Unauthorized Response by EMS Agency.** Responding to a request for service which deviates from or exceeds those authorized by the EMS agency license requirements in IDAPA 16.01.03, "Emergency Medical Services (EMS) -- Agency Licensing Requirements." (7-1-14)
- 05. Failure to Allow Inspections.** Failure to allow the EMS Bureau or its representative to inspect the agency facility, equipment, records, and other licensure requirements provided in IDAPA 16.021.03, "Emergency Medical Services (~~EMS~~) -- ~~Agency Licensing Requirements~~." (~~3-29-12~~)()
- 06. Failure To Correct Unacceptable Conditions.** Failure of the EMS agency to correct unacceptable conditions within the time frame provided in a negotiated resolution settlement, or a warning letter issued by the EMS Bureau. Including the following:(3-29-12)
- a. Failure to maintain an EMS vehicle in a safe and sanitary condition; (3-29-12)
 - b. Failure to have available minimum EMS Equipment;(3-29-12)
 - c. Failure to correct patient or personnel safety hazards; or (3-29-12)
 - d. Failure to retain an EMS agency medical director: (3-29-12)
- 07. Failure to Report Patient Care Data.** Failure to submit patient care data as required in IDAPA 16.01.03, "Emergency Medical Services (EMS) -- Agency Licensing Requirements." (7-1-14)

(BREAK IN CONTINUITY OF SECTIONS)

350. REINSTATEMENT ~~OF EMS LICENSE~~ FOLLOWING REVOCATION.

An application of any revoked ~~EMS agency or personnel~~ license, certificate, or educational program approval, may be filed with the EMS Bureau no earlier than one (1) year from the date of the ~~license~~ revocation. (~~3-29-12~~)()

- 01. Peer Review for Reinstatement.** The EMS Bureau will conduct a peer review to consider the reinstatement application. (3-29-12)

02. Recommendation of Peer Review Team. The peer review team will make a recommendation to the EMS Bureau to accept or reject the application for reinstatement. (3-29-12)

03. Reinstatement Determination. The EMS Bureau will accept or reject the reinstatement application based on the peer review team recommendation and other extenuating circumstances. (3-29-12)

a. Reinstatement of a revoked EMS personnel license is subject to the lapsed license reinstatement requirements in IDAPA 16.01.07, "Emergency Medical Services (EMS) -- Personnel Licensing Requirements." (3-29-12)

b. Reinstatement of a revoked EMS agency license will be subject to an initial agency application requirements in IDAPA 16.01.03, "Emergency Medical Services (EMS) -- Agency Licensing Requirements." (7-1-14)