

Dear Senators HEIDER, Souza, Jordan, and  
Representatives WOOD, Packer, Chew:

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

IDAPA 16.02.01 - Rules of the Idaho Time Sensitive Emergency System Council - Proposed Rule  
(Docket No. 16-0201-1801).

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 11/13/2018. 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 12/12/2018.

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 334-4854, 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:** Principal Legislative Drafting Attorney - Elizabeth Bowen

**DATE:** October 24, 2018

**SUBJECT:** Department of Health and Welfare

IDAPA 16.02.01 - Rules of the Idaho Time Sensitive Emergency System Council - Proposed Rule (Docket No. 16-0201-1801)

#### Summary and Stated Reasons for the Rule

This rule updates the incorporation by reference for the Time Sensitive Emergency System Standards Manual to include the most recent edition. The rule also clarifies language regarding fee structure and a deadline for designation fee payments.

#### Negotiated Rulemaking / Fiscal Impact

Negotiated rulemaking was not conducted, as it was not considered feasible. There is no anticipated negative fiscal impact on the state general fund.

#### Statutory Authority

I.C. 56-1024 through 56-1030.

cc: Department of Health and Welfare  
Frank Powell and Trinette Middlebrook

#### \*\*\* PLEASE NOTE \*\*\*

Per the Idaho Constitution, all administrative rules must be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

## IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

### 16.02.01 – RULES OF THE IDAHO TIME SENSITIVE EMERGENCY SYSTEM COUNCIL

#### DOCKET NO. 16-0201-1801

#### 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 56-1024 through 56-1030, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2018.

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 incorporated document is being revised and updated to more current standards in the “Time Sensitive Emergency Standards Manual,” Edition 2019-1, that will become effective July 1, 2019, along with these rules. Additional changes are being made for clarification of the designation fee structure and for enforcement procedures for failure to make annual payments for facilities choosing to pay designation fees on a yearly basis.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: N/A

**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 resulting from this rulemaking:

There is no anticipated fiscal impact to the state general fund or any other funds related to this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted and deemed not feasible because the proposed updates to the Time Sensitive Emergency Standards Manual and rules represent extensive input from stakeholders gathered during 2018 at meetings of the Time Sensitive Emergency Council and submitted as written comments throughout the year.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the “Time Sensitive Emergency System Standards Manual,” Edition 2019-1, is being incorporated to give it the force and effect of law. The current incorporated document is being updated from Edition 2017-1 to the revised Edition 2019-1.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Christian Surjan at (208) 334-6564.

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 October 24, 2018.

Dated this 31st day of August, 2018.

Tamara Prisock  
DHW – Administrative Rules Unit  
450 W. State Street – 10th Floor  
P.O. Box 83720  
Boise, ID 83720-0036  
Phone: (208) 334-5500 / Fax: (208) 334-6558  
[dhwrules@dhw.idaho.gov](mailto:dhwrules@dhw.idaho.gov)

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 16-0201-1801**  
**(Only Those Sections With Amendments Are Shown.)**

**004. INCORPORATION BY REFERENCE.**

The Time Sensitive Emergency System Standards Manual, Edition 2017~~9~~-1, is incorporated by reference in this chapter of rules. Copies of the manual may be obtained online at [www.tse.idaho.gov](http://www.tse.idaho.gov) or from the Bureau of Emergency Medical Services and Preparedness located at 2224 East Old Penitentiary Road, Boise, ID 83712-8249.

(7-1-17)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**200. DESIGNATION AND TSE ON-SITE SURVEY FEES.**

**01. Application With National Verification.** An applicant applying for a TSE designation that is verified by a national accrediting body must submit the appropriate designation fees with its application for initial designation and renewal. The designation fees are for a three (3) year designation and are payable on an annual basis. TSE designation fees are not to exceed those listed in Subsections 200.03 through 200.05 of this rule. (3-24-16)

**02. Application Without National Verification.** An applicant who requires a TSE on-site survey prior to designation is required to pay the applicable on-site survey fee at the time of application. TSE designation and on-site survey fees are not to exceed those listed in Subsections 200.03 through 200.05 of this rule. (3-24-16)

**03. Trauma Designation and TSE On-Site Survey Fees.**

<b>TRAUMA DESIGNATIONS 200.03</b>	<b>DESIGNATION FEE 3-year / Annual (Not to exceed)</b>	<b>TSE ON-SITE SURVEY FEE (Not to exceed)</b>
LEVEL I	\$45,000 / \$15,000	\$3,000 / Not applicable with ACS verification
LEVEL II	\$36,000 / \$12,000	\$3,000 / Not applicable with ACS verification
LEVEL III	\$24,000 / \$8,000	\$,3000 / Not applicable with ACS verification
LEVEL IV	\$12,000 / \$4,000	\$1,500 / Not applicable with ACS verification
LEVEL V	\$3,000 / \$1,000	\$1,500
PEDIATRIC LEVEL I and LEVEL II	\$36,000 / \$12,000	\$3000 / Not applicable with ACS verification

(3-24-16)

**04. Stroke Designation and TSE On-Site Survey Fees.**

STROKE DESIGNATIONS 200.04	DESIGNATION FEE 3-year / Annual (Not to exceed)	TSE ON-SITE SURVEY FEE (Not to exceed)
LEVEL I	\$21,000 / \$7,000	\$3,000 / Not applicable with national <u>or acceptable state verification</u>
LEVEL II	\$12,000 / \$4,000	\$3,000 / Not applicable with national <u>or acceptable state verification</u>
LEVEL III	\$1,500 / \$500	\$3,000 / <u>Not applicable with national or acceptable state verification</u>

(3-24-16)( )

**05. STEMI (Heart Attack) Designation and TSE On-Site Survey Fees.**

STEMI (HEART ATTACK) DESIGNATIONS 200.05	DESIGNATION FEE 3-year / Annual (Not to exceed)	TSE ON-SITE SURVEY FEE (Not to exceed)
LEVEL I	\$21,000 / \$7,000	\$3,000 / Not applicable with national <u>or acceptable state verification</u>
LEVEL II	\$1,500 / \$500	\$3,000 / <u>Not applicable with national or acceptable state verification</u>

(3-24-16)( )

**06. Designation Fee Payment.** After completion of the TSE on-site survey, the TSE Council will notify the applicant facility of the designation determination by letter. The applicant facility must then pay either the annual designation fee or the entire three (3) year designation fee. After designation notification and upon the Department's receipt of the designation fee, designation is effective. The TSE Council will send a certificate of designation and confirmation of the designation period. Annual designation fees for those facilities paying yearly are due to the Department within thirty (30) days of the date of the invoice in order to maintain designation. Failure to meet this deadline will result in suspension or revocation of designation as provided in Section 285 of these rules.

(3-24-16)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**285. REVOCATION AND SUSPENSION.**

**01. Revocation.** The TSE Council may revoke the designation of a center or a waiver when an owner, officer, director, manager, or other employee: (3-24-16)

- a. Fails or refuses to comply with the provisions of these rules; (3-24-16)

- b.** Fails to make annual designation fee payment for those facilities paying yearly; ( )
- bc.** Makes a false statement of material fact about the center’s capabilities or other pertinent circumstances in any record or matter under investigation for any purposes connected with these rules; (3-24-16)
- cd.** Prevents, interferes with, or attempts to impede in any way, the work of a representative of the TSE Council in implementing or enforcing these rules; (3-24-16)
- de.** Falsely advertises, or in any way misrepresents the facility’s ability to care for patients based on its designation status; (3-24-16)
- ef.** Is substantially out of compliance with these rules and has not rectified such noncompliance; (3-24-16)
- fg.** Fails to provide reports required by the TSE registry or the Department in a timely and complete fashion; or (3-24-16)
- gh.** Fails to comply with or complete a plan of correction in the time or manner specified. (3-24-16)
- 02. Suspension.** The TSE Council may suspend a center’s designation or waiver when it finds, after investigation, that the center has engaged in a deliberate and willful violation of these rules, or that the public’s health, safety, or welfare is endangered. (3-24-16)
- 03. Notification and Appeal.** When the TSE Council revokes or suspends a center’s designation or waiver, it must provide the center with a written notification of the action and the basis for the action. The notice will inform the center of the right to appeal and the procedure to appeal the action under the provisions in IDAPA 16.05.03, “Rules Governing Contested Case Proceedings and Declaratory Rulings.” (3-24-16)

## INCORPORATION BY REFERENCE SYNOPSIS

In compliance with Section 67-5223(4), Idaho Code, the following is a synopsis of the differences between the materials previously incorporated by reference in this rule that are currently in full force and effect and newly revised or amended versions of these same materials that are being proposed for incorporation by reference under this rulemaking.

The following agency of the State of Idaho has prepared this synopsis as part of the proposed rulemaking for the chapter cited here under the docket number specified:

**DEPARTMENT OF HEALTH AND WELFARE**  
**IDAPA 16.02.01 – RULES OF THE IDAHO TIME SENSITIVE EMERGENCY SYSTEM**  
**COUNCIL**  
**Proposed Rulemaking -- Docket No. 16-0201-1801**

*(Include a brief description that explains the differences between the version of the materials or documents that are currently incorporated by reference and the materials or documents that are being proposed for adoption in this rulemaking.)*

*(You may use the following table or write a brief summary of the differences)*

Incorporated Document Version/URL	IDAPA Section Number	Current Version of Incorporated Document	Substantive Changes in New Incorporation by Reference Version
<a href="#"><u>TSE Standards Manual Edition 2017-1</u></a>	16.02.01.004	Time Sensitive Emergency System Standards Manual, Edition 2017-1 <b>(NOTE: the Standards Manual approved by the 2018 Legislature (Edition 2018-1) will go into effect on July 1, 2018.)</b>	The summary of the changes to the Time Sensitive Emergency Standards Manual incorporated by reference in Section 004 of IDAPA 16.02.01, "Rules of the Idaho Time Sensitive Emergency System Council" is not yet available. The changes for this incorporated manual will be negotiated throughout the year with stakeholders and will be finalized in the November 2018 meeting of the EMS Physician Commission. The text of the updated Standards Manual <b>(Edition 2019-1)</b> will follow the summary when it has been finalized.  If you have further questions, please contact Christian Surjan, TSE Program Supervisor at (208) 334-6564.