



Terri Kondeff
Director

Legislative Services Office Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Senators MARTIN, Riggs, Wintrow and,
Representatives WOOD, Vander Woude, Chew

FROM: Elizabeth Bowen - Principal Legislative Drafting Attorney

DATE: October 07, 2021

SUBJECT: Temporary Rule

IDAPA 16.00.00 - Notice of Omnibus Rulemaking - Amendment to Temporary Rule - Docket No.
16-0000-2100

We are forwarding this temporary rule to you for your information only. No analysis was done by LSO. This rule is posted on our web site. If you have any questions, please call Elizabeth Bowen at the Legislative Services Office at (208) 334-4845. Thank you.

Attachment: Temporary Rule

Paul Headlee Legislative Services Office	Kristin Ford, Manager Research & Legislation	Keith Bybee, Manager Budget & Policy Analysis	April Renfro, Manager Legislative Audits	Glenn Harris, Manager Information Technology
----------------------------------------------------	--------------------------------------------------------	---------------------------------------------------------	----------------------------------------------------	--------------------------------------------------------

Statehouse, P.O. Box 83720
Boise, Idaho 83720-0054

Tel: 208-334-2475
legislature.idaho.gov

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

DOCKET NO. 16-0000-2100

NOTICE OF OMNIBUS RULEMAKING – AMENDMENT TO TEMPORARY RULE

EFFECTIVE DATE: A temporary rule was adopted under this docket number in the July 21, 2021, Idaho Administrative Bulletin, [Vol. 21-7SE, pages 1384 through 2440](#). The effective date of the amendments to the temporary rule is August 19, 2021.

AUTHORITY: In compliance with Section 67-5226, Idaho Code, notice is hereby given this agency has amended a temporary rule. The action is authorized pursuant to Section 56-1023, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for amending the temporary rule and a statement of any change between the text of the temporary rule and text of the amended temporary rule with an explanation for any changes:

Amendments are being made to the following temporary rule chapter:

IDAPA 16.01.03, *Emergency Medical Services (EMS) - Agency Licensing Requirements.*

To best protect the public's health and safety, the document incorporated in this chapter, the "Emergency Medical Services (EMS) - Agency Licensing Requirements," is being revised in this chapter. These changes provide a waiver process to our clinical level agency licensure model to allow part-time Advance Life Support (ALS) or Intermediate Life Support (ILS) coverage for prehospital ambulances struggling with staffing issues, or agencies that sometimes have personnel available who can offer more advanced patient care services. The current rule requires that the highest clinical level be available on a 24/7 basis, and it does not provide authorization for the Bureau to issue a waiver to those agencies. This temporary rule change has been endorsed by the EMS Physicians Commission, EMS Advisory Committee, and the EMSP Bureau Chief. This temporary rule change needs to be implemented immediately to allow agencies the flexibility they need to provide the best care they can while maintaining compliance with IDAPA. This issue cannot be resolved by non-regulatory measures.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1) and 67-5226(2), Idaho Code, the Governor has found that temporary adoption of the rules is appropriate for the following reasons:

These temporary rules are necessary to protect the public health, safety, and welfare of the citizens of Idaho, and confer a benefit on its citizens. If this is not implemented, several primary prehospital agencies, mostly rural, will be noncompliant with IDAPA personnel staffing requirements that they simply are not able to meet, resulting in possible enforcement action by the State for violations outside of their control. Additionally, the current rule disallows ALS-licensed personnel from using the full scope of their skills based on the license level requirements of the agencies. The rule change allowing the Bureau to grant waivers to this rule for 911 agencies will help mitigate both problems.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rules, contact Jathan Nalls, (208)334-4007.

DATED this 19th day of August, 2021.

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
e-mail: dhwrules@dhw.idaho.gov

THE FOLLOWING IS THE AMENDED TEXT FOR TEMPORARY RULE CHAPTER 16.01.03
(Only Those Sections With Amendments Are Shown.)

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

(BREAK IN CONTINUITY OF SECTIONS)

PERSONNEL REQUIREMENTS FOR EMS AGENCY LICENSURE
(Sections 300 - 399)

300. EMS AGENCY – GENERAL PERSONNEL REQUIREMENTS.

Personnel must be licensed according to IDAPA 16.01.07, “Emergency Medical Services (EMS) -- Personnel Licensing Requirements.” (7-1-21)T

01. Personnel Requirements for EMS Agency Licensure. Each agency must ensure availability of affiliated personnel licensed and credentialed at or above the clinical level for the entire anticipated call volume for each of the agency’s operational declarations, except that an agency holding a prehospital operational declaration may request a waiver of this requirement from the EMS Bureau. ~~(7-1-21)T~~(8-19-21)T

02. Personnel Requirements for an Agency Utilizing Emergency Medical Dispatch. An agency dispatched by 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. (7-1-21)T

03. Personnel Requirements for Prehospital ALS. A licensed Paramedic must be present whenever prehospital, prehospital support, or air medical transport ALS services are provided. (7-1-21)T