

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 643. EMERGENCY RESPONSE SYSTEMS STABILIZATION AND
IMPROVEMENT REVOLVING FUND DISTRIBUTION

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Chapter 643. Emergency Response Systems Stabilization and Improvement Revolving Fund Distribution [NEW]

SUMMARY:

The Oklahoma Emergency Response Systems Stabilization and Improvement Revolving Fund allows for the awarding of funds to "stabilize and improve" emergency response systems in Oklahoma. The proposed rules update the procedures followed to distribute the funds.

AUTHORITY:

Commissioner of Health, Title 63 O.S. § 1-104 and Title 63 O.S. § 1-2512.1

COMMENT PERIOD:

January 17, 2023 through the close of the Department's normal business hours, 5 PM, on February 17, 2023. Interested persons may informally discuss the proposed rules with the contact person identified below; or may, through the close of the Department's normal business hours, 5 PM, on February 17, 2023 submit written comments to the contact person identified below, or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303(A), the public hearing for the proposed rulemaking in this chapter shall be on February 17, 2023 at the Oklahoma State Department of Health Auditorium, 123 Robert S. Kerr Avenue, Oklahoma City, Oklahoma 73102 from 9:30 AM to 12:30 PM. The meeting may adjourn earlier if all attendees who signed up to comment have completed giving their comments. The alternate date and time in the event of an office closure due to inclement weather is February 21, 2023 in the Auditorium, from 9:30 AM to 12:30 PM. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice. Validated parking will be provided for the parking lot located at the east corner of Broadway and Robert S. Kerr Avenue, subject to availability.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through February 17, 2023, to the contact person identified below.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from the contact person identified below or via the agency website at www.ok.gov/health.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement is available through the contact person identified below or via the agency website at www.ok.gov/health.

CONTACT PERSON:

Audrey C. Talley, Agency Rule Liaison, Oklahoma State Department of Health, 123 Robert S. Kerr Avenue, Oklahoma City, OK 73102, phone (405) 426-8563, e-mail AudreyT@health.ok.gov.

INITIAL RULE IMPACT STATEMENT

(This document may be revised based on comment received during the public comment period.)

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 643. EMERGENCY RESPONSE SYSTEMS STABILIZATION AND
IMPROVEMENT REVOLVING FUND DISTRIBUTION [NEW]**

1. DESCRIPTION:

The Oklahoma Emergency Response Systems Stabilization and Improvement Revolving Fund allows for the awarding of funds to "stabilize and improve" emergency response systems in Oklahoma. The proposed new chapter updates the procedures followed to distribute the funds.

2. DESCRIPTION OF PERSONS AFFECTED AND COST IMPACT RESPONSE:

The adoption of 643 should positively affect each person living within an area serviced by entities who will be eligible to receive funding from the Oklahoma Emergency Response Systems Stabilization and Improvement Revolving Funds under the new chapter.

3. DESCRIPTION OF PERSONS BENEFITING, VALUE OF BENEFIT AND EXPECTED HEALTH OUTCOMES:

The implementation of 643 will produce increased efficiencies and effectiveness for entities who will receive OERSSIRF funds. An anticipated result in the implementation of this chapter will be better emergency response service outcomes and, as a result, citizens may experience an increase in longevity of life and overall healthier outcomes for those living in areas receiving OERSSIRF funding.

4. ECONOMIC IMPACT, COST OF COMPLIANCE AND FEE CHANGES:

This rule change will positively affect EMS systems who will now be able to receive funding with a modernized and improved rule.

5. COST AND BENEFITS OF IMPLEMENTATION AND ENFORCEMENT TO THE AGENCY:

There are no anticipated costs for the implementation of the rule by the agency.

6. IMPACT ON POLITICAL SUBDIVISIONS:

There are no anticipated impacts on political subdivisions and it will not require their cooperation in implementing or enforcing the proposed amendment.

7. ADVERSE EFFECT ON SMALL BUSINESS:

There is no known adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act.

8. EFFORTS TO MINIMIZE COSTS OF RULE:

There are no less costly means currently identified.

9. EFFECT ON PUBLIC HEALTH AND SAFETY:

This should improve public health and safety in the areas which will now have EMS agencies eligible to receive these funds once Chapter 643 is adopted.

10. DETRIMENTAL EFFECTS ON PUBLIC HEALTH AND SAFETY WITHOUT ADOPTION:

Without the implementation of Chapter 643, there will be a continued unfair point advantage for previous award winners. This could be detrimental to certain EMS areas needing these funds to improve and stabilize their services but cannot compete with the cumulative scoring of past award winners.

11. PREPARATION AND MODIFICATION DATES:

This rule impact statement was prepared on October 17, 2022

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SUBCHAPTER 1. GENERAL PROVISIONS

310:643-1-1. Purpose

This Chapter provides information on how the Oklahoma State Department of Health annually distributes funding from the "Oklahoma Emergency Response Systems Stabilization and Improvement Revolving Fund" as authorized in the Oklahoma Emergency Response Systems Development Act. (63 O.S. 1-2512.1)

310:643-1-2. Definitions

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Applicant" means an individual or entity which has submitted an application for OERSSIRF funds.

"Assessment activity" means a review process that recognizes and builds on strengths, identifies gaps in policies and programming, and helps improve the effectiveness of EMS care.

"At-risk emergency medical services" means access and functional needs which may interfere with an EMS agency or agencies' ability to implement emergency medical care.

"Emergency medical director" means a physician, fully licensed without restriction, who acts as a paid or volunteer medical advisor to a licensed ambulance service and who monitors and directs the care so provided.

"Front line emergency medical services personnel" means emergency medical responders certified by the Department or emergency medical technicians (EMT), intermediates, advanced emergency medical technicians (AEMT), or paramedics licensed by the Department by the Department to perform emergency medical services in accordance with the Oklahoma Emergency Response Systems Development Act.

"Department" means the Oklahoma State Department of Health.

"Capital and equipment needs" means specialized resources, not including personnel, used to provide emergency medical care or to treat medical emergencies necessary to implement an applicant's proposal.

"Regional emergency medical services" targeted and/or coordinated efforts to provide collaborative emergency medical care and treatment for areas across the state.

"Reorganization" means any process related to restructuring or amending operations to implement an applicant's proposal.

"Stabilization" means an effort to eliminate fluctuations and improve the balance of operations.

SUBCHAPTER 3. APPLYING FOR FUNDS

310:643-3-1. Notification of funding opportunity

Once the Department has received the Oklahoma Emergency Response Systems Stabilization and Improvement Revolving Fund, the following will be posted to the Department's website:

- (a) A link to the electronic application;
- (b) Directions for the application process;
- (c) A copy of the scoring rubric used to evaluate applications; and
- (d) The amount of funding received for distribution.

310:643-3-2. Application requirements

Any interested applicant is responsible for submitting the required application by the deadline. Applications must be complete and submitted through the link provided to be eligible for consideration. To be considered, applicants must address one or more of the following statutory purposes in the submitted application:

- (a) Activities identified by agency needs assessment;
- (b) Stabilization and/or reorganization of at-risk emergency medical services;
- (c) Development of regional emergency medical services;
- (d) Training for emergency medical directors;
- (e) Access to training front line emergency medical services personnel;
- (f) Capital and equipment needs.

SUBCHAPTER 5. EVALUATION AND DISTRIBUTION

310:643-5-1. Evaluation of submissions

The Department will redact all identifiable information from each submission and provide all redacted applications to the evaluation panel for review. Evaluators will:

- (a) Sign an attestation affirming no financial or other direct personal interest in any of the applications;
- (b) Review all redacted applications independently of other evaluators; and
- (c) Complete the electronic scoring sheet based upon the scoring rubric.

310:643-5-2. Partial funding and matching

The agency may distribute partial funding to applicants. Matching of funds may be required.

310:643-5-3. Distribution of funds

Upon completion of the evaluation process, recipients will be notified of award. Funding will be distributed in accordance with state law. Recipients will be required to follow all legal and contractual requirements to be eligible for funding. Applications that do not meet any of the statutory requirements will not be eligible to receive an award.

SUBCHAPTER 7. IDENTIFICATION OF PRIORITIES, DEMONSTRATION OF RISK AND SUPPORTING DOCUMENTATION GUIDELINES

310:643-7-1. Determination of priorities

On an annual basis, the department will gather information from stakeholders to determine statewide stabilization and improvement priorities. Information gathering strategies may include:

- (a) Electronic surveys;
- (b) In person visits;
- (c) Phone conferences; or
- (d) Other reasonable method to help determine priorities.

310:643-7-2. Demonstration of risk and supporting documentation

(a) Risk will be demonstrated by the applicants in one or more of the following areas:

- (1) Activities identified by agency needs assessment;
- (2) Stabilization and/or reorganization of at-risk emergency medical services;
- (3) Development of regional emergency medical services;
- (4) Training for emergency medical directors;
- (5) Access to training front line emergency medical services personnel; and
- (6) Capital and equipment needs.

(b) Supporting documentation will demonstrate one or more of the following:

- (1) Financial need;
- (2) Infrastructure to support proposal;
- (3) Needs assessment;
- (4) Measurable objectives to quantify progress related to proposal implementation;
- (5) Other items as required by the Department to support the self-selected, measurable objectives of applicant proposals.