

CHAPTER 140
EMERGENCY MEDICAL SERVICES FUND GRANTS

641—140.1(135) Definitions. For the purpose of these rules, the following definitions shall apply:

“*Ambulance service*” means any privately or publicly owned service program which utilizes ambulances in order to provide patient transportation and emergency medical care at the scene of an emergency or while en route to a hospital or during transfer from one medical care facility to another or to a private home.

“*Applicant*” means a county EMS association or regional EMS council that has submitted an application for an emergency medical services fund grant.

“*CEHs*” means continuing education hours which are based upon a minimum of 50 minutes of training per hour.

“*Continuing education*” means approved training which is received after becoming certified as an EMS provider to maintain skills and knowledge and to satisfy renewal of certification requirements. This includes emergency medical training for members of the general public.

“*County EMS association*” means a countywide group of EMS providers and various agency and organization representatives and consumers who advise the county board of supervisors or their designee on EMS needs and objectives. The county EMS association should also include representatives of services located in a neighboring county if service is provided on a regular basis to residents of the funding county.

“*Department*” means the Iowa department of public health.

“*Designee*” means a county government agency or a board, commission or committee which has entered into an agreement with the county board of supervisors pursuant to Iowa Code chapter 28E.

“*Director*” means the director of the Iowa department of public health.

“*Emergency medical care personnel*” means any individual currently certified by the department pursuant to Iowa Code section 147A.6.

“*Emergency medical services*” means an integrated medical care delivery system to provide emergency and nonemergency medical care at the scene or during out-of-hospital patient transportation in an ambulance.

“*EMS*” means emergency medical services.

“*EMS course*” means a course for emergency medical care personnel pursuant to Iowa Code section 147A.4, subsection 2.

“*EMS provider*” means emergency medical care personnel, other health care practitioners or members of the general public involved in the provision of emergency medical care.

“*Fiscal year*” means the 12-month period beginning July 1 and ending June 30.

“*Nontransport service*” means any privately or publicly owned rescue or first response service program which does not provide patient transportation (except when no ambulance is available or in a disaster situation) and utilizes only first response vehicles to provide emergency medical care at the scene of an emergency.

“*Regional EMS council*” means a multicounty nonprofit corporation whose purpose is to facilitate EMS development on a regional basis.

“*Service program*” means any 24-hour emergency medical care ambulance service, or nontransport service that has received authorization by the department.

“*Training*” means EMS-related courses designed and intended for EMS providers.

“*Training aid*” means an item used in EMS training and includes, but is not limited to: slides, films, mannequins, emergency care devices, books and other items pertinent and necessary for training purposes.

641—140.2(135) Purpose. The EMS fund grant is intended to supplement EMS funds at the county or local level.

641—140.3(135) County EMS associations. Each county shall have a county EMS association, council or board to provide the county board of supervisors or their designee with advice on EMS funding needs and objectives.

641—140.4(135) County EMS fund grants. Grants for EMS-related purposes at the regional, county, and local level are available from the department. Each EMS fund grant application requires a \$1 match of regional, county, or local funds for each \$1 of EMS fund grant funds. EMS fund grants may be used by an ambulance or nontransporting service located in a neighboring county if service is provided on a regular basis to residents of the funding county.

140.4(1) Application process. An application for an EMS fund grant is required. Applications may be requested from the Iowa Department of Public Health, Bureau of EMS, Lucas State Office Building, Des Moines, Iowa 50319-0075. Deadline for completed applications is June 30 of each fiscal year. The application process is as follows:

a. Each county EMS association or regional EMS council may submit an application to the department for an EMS fund grant. Consideration should be given to 1995 Iowa Acts, Senate Files 118 and 178, when establishing spending priorities.

b. The department shall review the proposal and may approve, partially approve, request clarification or request a new application.

c. Notification of grant awards shall be made by September 30 of each fiscal year.

140.4(2) Eligible costs. Costs which are eligible for EMS fund grant expenditures include, but are not limited to, the following:

a. Reimbursement of tuition, fees and materials following successful completion of an EMS course. Practical examination fees may also be included.

b. Payment of continuing education tuition, fees and materials. Emergency medical training for the general public is an allowable expense.

c. Payment for EMS training aids.

d. Defibrillators.

e. Nondisposable essential ambulance equipment, as defined by the American College of Surgeons and American College of Emergency Physicians.

f. Communications pagers, radios, and base repeaters.

g. Development and enhancement of EMS systems and emergency medical services for children.

The title to any EMS equipment purchased with these funds shall not lie with the department, but shall be determined by the county board of supervisors or their designee.

140.4(3) Ineligible costs. Costs which are not eligible for funding include, but are not limited to, the following:

- a. Certification/recertification fees.
- b. Written examination fees.
- c. Building and construction costs.
- d. Debt amortization.
- e. Land.
- f. Rent.
- g. Utilities.
- h. Vehicles including, but not limited to, ambulances, fire apparatus, boats, rescue/first response vehicles, snowmobiles and vehicle parts.

Training funds distributed to counties pursuant to 641—Chapter 130, Iowa Administrative Code, are not eligible for the match requirement for equipment purchases.

641—140.5(135) Disbursement of funds. The department shall reimburse an approved EMS fund grant contract at a rate of 50 percent of the approved contract amount. Payment shall be made upon receipt of a paid invoice. Training, equipment, or services purchased prior to department approval are not eligible for reimbursement.

641—140.6(135) Application denial or partial denial—appeal.

140.6(1) Denial or partial denial of an application shall be effected in accordance with the requirements of Iowa Code section 17A.12. Notice to the applicant of denial or partial denial shall be served by restricted certified mail, return receipt requested, or by personal service.

140.6(2) Any request for appeal concerning denial or partial denial shall be submitted by the aggrieved party in writing to the department by certified mail, return receipt requested, within 30 days of the receipt of the department's notice. The address is: Iowa Department of Public Health, Bureau of Emergency Medical Services, Lucas State Office Building, Des Moines, Iowa 50319-0075. Prior to or at the hearing, the department may rescind the denial or partial denial. If no request for appeal is received within the 30-day time period, the department's notice of denial or partial denial shall become the department's final agency action.

140.6(3) Upon receipt of an appeal that meets contested case status, the appeal shall be forwarded within five working days to the department of inspections and appeals pursuant to the rules adopted by that agency regarding the transmission of contested cases. The information upon which the adverse action is based and any additional information which may be provided by the aggrieved party shall also be provided to the department of inspections and appeals.

140.6(4) The hearing shall be conducted according to the procedural rules of the department of inspections and appeals found in 481—Chapter 4, Iowa Administrative Code.

140.6(5) When the hearing officer makes a proposed decision and order, it shall be served by restricted certified mail, return receipt requested, or delivered by personal service. That proposed decision and order then becomes the department's final agency action without further proceedings ten days after it is received by the aggrieved party unless an appeal to the director is taken as provided in subrule 140.6(6).

140.6(6) Any appeal to the director for review of the proposed decision and order of the administrative law judge shall be filed in writing and mailed to the director by certified mail, return receipt requested, or delivered by personal service within ten days after the receipt of the administrative law judge's proposed decision and order by the aggrieved party. A copy of the appeal shall also be mailed to the administrative law judge. Any request for an appeal shall state the reason for appeal.

140.6(7) Upon receipt of an appeal request, the administrative law judge shall prepare the record of the hearing for submission to the director. The record shall include the following:

- a.* All pleadings, motions, and rules.
- b.* All evidence received or considered and all other submissions by recording or transcript.
- c.* A statement of all matters officially noticed.
- d.* All questions and offers of proof, objections and rulings on them.
- e.* All proposed findings and exceptions.
- f.* The proposed decision and order of the administrative law judge.

140.6(8) The decision and order of the director becomes the department's final agency action upon receipt by the aggrieved party and shall be delivered by restricted certified mail, return receipt requested, or by personal service.

140.6(9) It is not necessary to file an application for a rehearing to exhaust administrative remedies when appealing to the director or the district court as provided in Iowa Code section 17A.19. The aggrieved party to the final agency action of the department who has exhausted all administrative remedies may petition for judicial review of that action pursuant to Iowa Code chapter 17A.

140.6(10) Any petition for judicial review of a decision and order shall be filed in the district court within 30 days after the decision and order becomes final. A copy of the notice of appeal shall be sent to the department by certified mail, return receipt requested, or by personal service. The address is: Iowa Department of Public Health, Bureau of Emergency Medical Services, Lucas State Office Building, Des Moines, Iowa 50319-0075.

140.6(11) The party who appeals a final agency action to the district court shall pay the cost of the preparation of a transcript of the contested case hearing for the district court.

These rules are intended to implement Iowa Code section 135.25, Iowa Code Supplement section 147A.6(1), and 1997 Iowa Acts, chapter 203.

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