

1 **16 DEPARTMENT OF PUBLIC SAFETY**
2 **163 EMERGENCY MEDICAL SERVICES BOARD (MAINE EMS)**
3 **Chapter 27: IMPLEMENTATION OF EMS SUSTAINABILITY PROGRAM**
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5 **SECTION 1. PURPOSE**
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7 The purpose of this rule is to implement procedures for allocating sustainability
8 funds totaling \$19,308,000.00 to emergency medical services entities from the
9 Emergency Medical Services Stabilization and Sustainability Program created by
10 32 M.R.S. § 98(4) and referred to herein as “the Program”. These Funds are
11 intended to increase financial support and planning for sustainability,
12 collaboration, and the enhancement of efficiency in the delivery of emergency
13 medical services in the State.
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15 **SECTION 2. DEFINITIONS**
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- 17 1. “Eligible emergency medical services entity” or “eligible EMS entity” has the
18 same meaning as 32 M.R.S. § 98(B).
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20 **SECTION 3. APPLICATIONS**
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22 **1. Eligibility**
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24 A. Eligible Entities. Only eligible EMS entities may apply for
25 sustainability funding from the Program. All eligible EMS entities that
26 apply for funding and meet all the following criteria, as applicable,
27 shall be eligible to receive funding from the Program.
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- 29 (1) If the applicant is a Transporting Ambulance Service or
30 Non-Transporting Emergency Medical Service, the
31 applicant must currently provide and intend to continue to
32 provide emergency medical services to the community it
33 services.
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35 (2) If the applicant is a Transporting Ambulance Service, it
36 must participate in the MaineCare Program and maintain an
37 electronic funds account with the Maine Department of
38 Health and Human Services.
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40 (3) If the applicant is a licensed emergency medical services
41 training center, the applicant must currently provide and

intend to continue to provide EMS licensure courses to students.

(4) If the applicant is a regional council, the applicant must be in compliance with Chapter 15 of these Rules.

2. Announcement of Funding Opportunity

A. Application Period

(1) Initial Application Period

(a) The Application Period will open 60 days after the publication of the Announcement of Funding Opportunity.

(b) The Application Period will be open for 60 calendar days.

(c) At the discretion of the Board, the initial application period may be extended by additional 60-day period(s).

(2) Subsequent Application Period(s).

(a) No more than 45 days after the final disbursement of awards has been made for applications received during the Initial Application Period, a Subsequent Application Period may open, during which remaining funds shall be reallocated in accordance with this rule for which eligible entities may apply. This will continue until all funds allocated have been disbursed.

B. The Director shall develop an application, approved by the Board, to ensure compliance with this rule.

C. All applications for funding must comply with this rule, all instructions provided in the Announcement of Funding Opportunity,

83 and any instructions and formatting requirements within the
84 application.

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86 **SECTION 4. FUNDING POOL**
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88 1. The total amount of funds available for award during the initial application period
89 is \$9,308,000.00 for Transporting and Non-Transporting Services.

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91 A. The total amount for Transporting Services during the initial
92 application period is \$6,515,600.00.

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94 B. The total amount for Non-Transporting Services is \$2,792,400.00.
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96 2. The total amount of funds available for award during the initial application period
97 is \$9,000,000.00 for Maine EMS-licensed Training Centers.
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99 3. The total amount of funds available for award during the initial application period
100 is \$1,000,000.00 for Board-Designated Regional Councils.
101

102 4. **Unawarded Funds.** This section is to be utilized in subsequent application
103 periods.
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105 A. Subsequent application periods are open to eligible Transporting and
106 Non-Transporting Services who were not awarded their maximum
107 allocated amount, and to Maine EMS-licensed Training Centers and
108 Board-Designated Regional Councils.
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110 B. Subsequent application period(s) may be offered if there are funds not
111 otherwise awarded after the closure of the initial application period.
112 The unawarded funds will be pooled, and redistributed with eighty-
113 percent (80%) of the pooled funds available to be reallocated to
114 Transporting and Non-Transporting Services, not to be awarded in
115 excess of an entity's maximum allocation amount, until there are no
116 eligible Transporting and Non-Transporting Services that can receive
117 funds. The remaining twenty percent (20%) of those funds will be
118 available to be reallocated to Maine EMS-licensed Training Centers
119 and Board-Designated Regional Councils.
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121 C. When there are no eligible Transporting and Non-Transporting
122 Services that can be awarded funds, the remaining funds are
123 reallocated to Maine EMS-licensed Training Centers and Board-
124 Designated Regional Councils.
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126 D. Funds reallocated to Maine EMS-licensed Training Centers and
127 Board-Designated Regional Councils may be allocated in a similar
128 fashion to the initial award, as determined by the Director.
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130 **SECTION 5. FUNDING ALLOCATION FOR TRANSPORTING AND NON-**
131 **TRANSPORTING SERVICES**
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133 **1. Maximum and Minimum Allocations**
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135 A. Transporting EMS Services
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137 (1) Minimum allocation shall be no less than \$15,000.00 per
138 qualified applicant who functions as a Transporting
139 Ambulance Service.
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141 (2) Maximum allocation shall not exceed \$200,000.00 per
142 qualified applicant who functions as a Transporting
143 Ambulance Service.
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145 B. Non-Transporting EMS Services
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147 (1) Minimum allocation shall be no less than \$5,000.00 per
148 qualified applicant who functions as a Non-Transporting
149 Emergency Medical Service.
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151 (2) Maximum allocation shall not exceed \$50,000.00 per
152 qualified applicant who functions as a Non-Transporting
153 Emergency Medical Service.
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155 **2. Allocation Algorithm.** The Director shall use the following algorithm to
156 determine the allocation for each qualified applicant:
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158 A. Components
159

160 (1) Rurality Score by Zip Code
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162 (a) The director shall use the Frontier and Remote
163 Area Codes published by the United States
164 Department of Agriculture's Economic
165 Research Service (updated April 15, 2015),
166 which this rule incorporated by reference.
167 However, in situations where there is no score
168 for a specific zip code, or the date is older than

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ten (10) years at the time of calculating the algorithm, the Director shall formulate the rurality score using the “Rural Indicators” in the Ambulance Fee Schedule and ZIP Code Files published by the US Centers for Medicare and Medicaid Services (published December 2023), which this rule incorporates by reference.

(i) United States Department of Agriculture’s Frontier and Remote Area Codes: “EXCEL file containing ZIP-code-level FAR codes and related data”, last updated on April 15, 2015, which is available for download from <https://www.ers.usda.gov/webdocs/DataFiles/51020/FARcodesZIPdata2010WithAKandHI.xlsx?v=6390.1>

(ii) Centers for Medicare and Medicaid Services’ Ambulance Fee Schedule and ZIP Code Files: “2023 End of Year Zip Code File (ZIP)”, published in December 2023, which is available for download from <https://www.cms.gov/files/zip/2023-end-year-zip-code-file.zip>

(b) If using the Frontier and Remote Area Codes, the Director shall assign the following scores based on the Frontier and Remote (“FAR”) classification for each zip code:

(i) No FAR Classification: Score of One (1)

(ii) FAR Classification of One: Score of Two (2)

(iii) FAR Classification of Two: Score of Three (3)

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(iv) FAR Classification of Three: Score of Four (4)

(v) FAR Classification of Four: Score of Five (5)

(c) If using the Ambulance Fee Schedule and Zip Code Files, the Director shall assign the following scores based on the Rural Indicator field for each zip code:

(i) Blank/Urban: Score of One (1)

(ii) R (Rural): Score of Three (3)

(iii) B (Super Rural): Score of Five (5)

(2) Call Volume

The Director shall query de-identified electronic patient care reporting information from the Maine EMS and Fire Incident Reporting System (“MEFIRS”) to determine the number of 9-1-1 activations, including scene responses, mutual aid requests, and ambulance intercepts that each eligible EMS entity experienced for each zip code.

B. Calculations

(1) The Director shall perform the calculations below to determine the distribution percentage or “DP” for each eligible EMS entity. These calculations shall be performed separately for Transporting and Non-Transporting eligible EMS Services.

(2) A rurality-weighted call volume or “RWCV” will be calculated for each eligible EMS Service by multiplying the number of activations the entity experienced for each zip code by each zip code’s rurality score and then totaling the resulting products.

(3) The total rurality-weighted call volume, or “TRWCV” for each category (transporting and non-transporting) will be the sum of the RWCVs of all eligible EMS entities in the respective category.

254 (4) An eligible EMS Service’s distribution percentage or “DP”
255 will equal the eligible EMS Service’s RWCV divided by
256 the TRWCV of the eligible entity’s respective category
257 (transporting or non-transporting).
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259 C. Allocation Process
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261 (1) The Director shall identify all eligible Transporting and
262 Non-Transporting EMS Services based on the information
263 available to the Office of Emergency Medical Services and
264 determine the final maximum allocation or “FMA” for each
265 of these entities. The Director shall provide a list of these
266 entities and their corresponding FMAs in the
267 Announcement of Funding Opportunity.
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269 (a) Non-Transporting Eligible EMS Services.
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271 (i) Initial maximum allocations or
272 “IMAs” for all Non-Transporting
273 eligible EMS services will be
274 calculated by multiplying the
275 service’s distribution percentage by
276 the total amount of sustainability
277 funds available for non-transporting
278 services.
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- 280 1. If a service’s IMA is less
281 than or equal to
282 \$5,000.00, the service’s
283 FMA will be \$5,000.00.
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- 285 2. If a service’s IMA is
286 greater than or equal to
287 \$50,000.00, the service’s
288 FMA will be \$50,000.00.
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- 290 3. If a service’s IMA is
291 greater than \$5,000.00
292 but less than \$50,000.00,
293 its IMA will be
294 recalculated by
295 multiplying the service’s
296 distribution percentage by

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the total amount of stabilization funds available for Non-Transporting services, minus the amounts applied as FMAs to services pursuant to §1 and §2 above.

- 4. If the recalculation of IMAs in §4 above generates IMAs that are either less than or equal to \$5,000.00 or greater than or equal to \$50,000.00, FMAs will be assigned to those applicable services in accordance with §1 and 2 above.

- 5. IMAs greater than \$5,000.00 but less than \$50,000.00 will continue to be recalculated in accordance with §3 and §4 above until no IMAs are less than or equal to \$5,000.00 or greater than or equal to \$50,000.00. At that point, the service's last recalculated IMA will become its FMA.

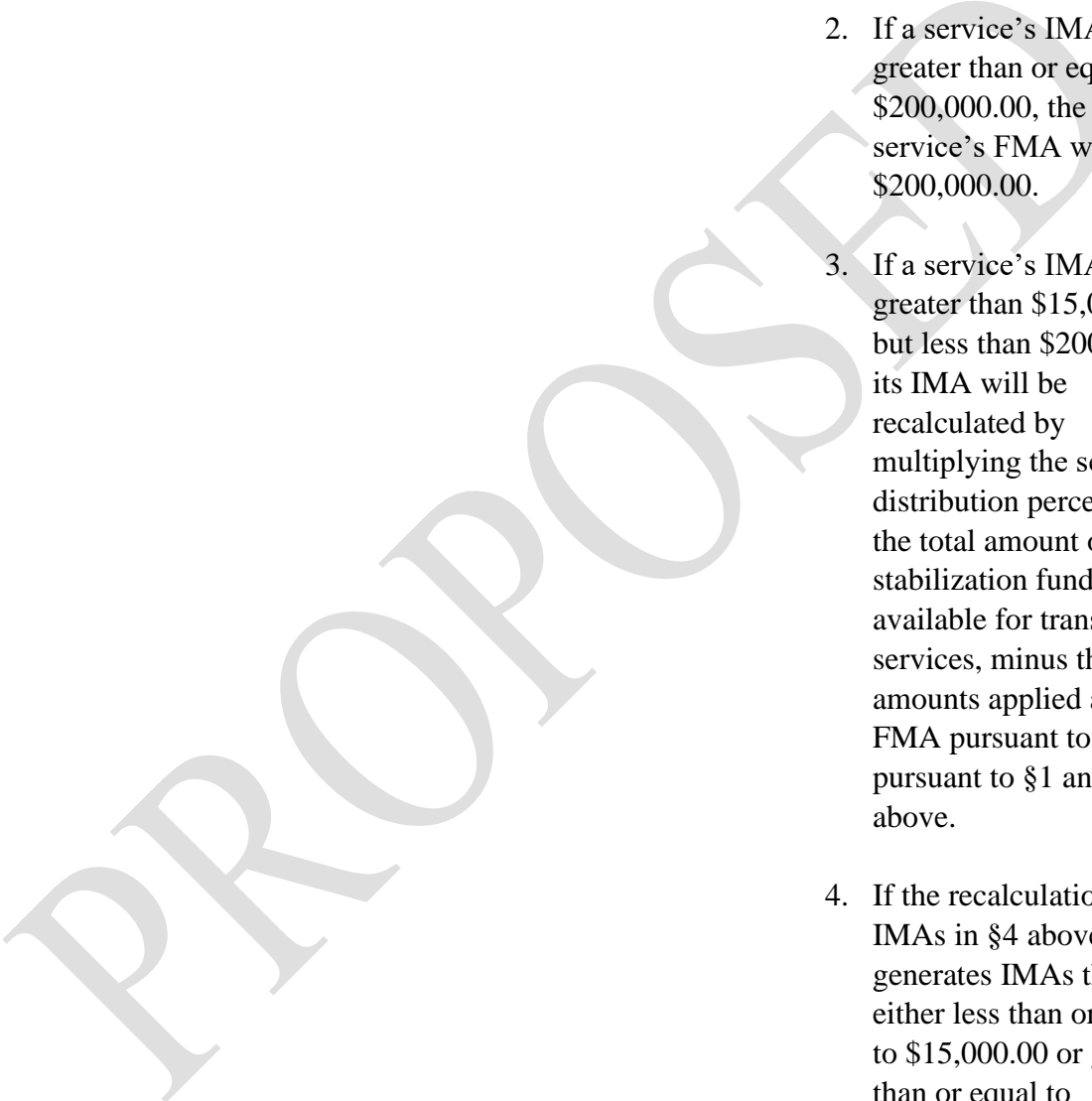
(b) Transporting EMS Services

- (i) Initial maximum allocations or "IMAs" for all transporting eligible EMS services will be calculated by multiplying the services distribution percentage by the total amount of

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stabilization funds available for transporting services.

1. If a service's IMA is less than or equal to \$15,000.00, the service's FMA will be \$15,000.00.
2. If a service's IMA is greater than or equal to \$200,000.00, the service's FMA will be \$200,000.00.
3. If a service's IMA is greater than \$15,000.00 but less than \$200,00.00, its IMA will be recalculated by multiplying the service's distribution percentage by the total amount of stabilization funds available for transporting services, minus the amounts applied as an FMA pursuant to services pursuant to §1 and §2 above.
4. If the recalculation of IMAs in §4 above generates IMAs that are either less than or equal to \$15,000.00 or greater than or equal to \$200,000.00, FMAs will be assigned to those applicable services in accordance with §1 and 2 above.



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5. IMAs greater than \$15,000.00 but less than \$200,000.00 will continue to be recalculated in accordance with §3 and §4 above until no IMAs are less than or equal to \$15,000.00 or greater than or equal to \$200,000.00. At that point, the service’s last recalculated IMA will become its FMA.

D. Posting. The Director shall provide the final maximum allocation (“FMA”) for each eligible EMS service as determined by the algorithm as a component of the Announcement of Funding Opportunity.

SECTION 6. FUNDING ALLOCATION FOR MAINE EMS-LICENSED TRAINING CENTERS AND BOARD-DESIGNATED REGIONAL COUNCILS

1. Maximum and Minimum Allocations

A. Maine EMS-Licensed Training Centers

(1) Maximum and Minimum Allocation for initial awards

(a) The Maximum and Minimum allocation for the initial award of funds shall be \$900,000.00 for entities eligible as Maine EMS-Licensed Training Centers.

B. Board-Designated Regional Councils

(1) Maximum and Minimum Allocation for initial awards

(a) The Maximum and Minimum allocation for the initial award of funds shall be \$250,000.00 for entities eligible as Board-Designated Regional Councils.

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(i) \$150,000.00 shall be allocated to each Board-Designated Regional Council from the above amount to be used by each Regional Council to meet the requirements of this chapter, Section 7(1)(D).

2. **Allocation Process.** The Director shall identify all Maine EMS-Licensed Training Centers and Board-Designated Regional Councils eligible and determine the final maximum allocation or “FMA” for each of these entities. The Director shall provide a list of these entities and their corresponding FMAs in the Announcement of Funding Opportunity.

SECTION 7. REQUIREMENTS, CRITERIA, AND UNAUTHORIZED USES OF FUNDS

1. **Requirements.** For an application to be considered complete, an application must:

- A. Be completed and submitted by an eligible EMS entity or its agent.
- B. Be completed in accordance with this rule and any guidance provided by the Director through the Announcement of Funding Opportunity and within the application.
- C. Include, attached, a project plan that meets the standards for the use of funding; those standards, which describe the only activities for which funds may be used, are:
 - (1) The initiation or support of programs, applications, or the use of consultants or experts to establish or support an ongoing mental health and wellness program;
 - (2) The consolidation and/or regionalization of the delivery of emergency medical services;
 - (3) Inter-municipality EMS planning for rural patient transport;
 - (4) Supporting training directly related to the provision of clinical care, safety, leadership, or management of EMS;
 - (5) Supplementing wages, benefits, stipends, and incentives for EMS clinicians, Ambulance Operators, and/or administrative support staff (e.g. service-level medical

466 director, quality assurance and improvement officer,
467 infection control officer, training officer, and administrative
468 aide);

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470 (6) Implementation of other programming directly related to
471 the Maine EMS Plan for a Sustainable EMS System in the
472 State of Maine: A Vision for 2035, as published on May
473 22, 2023, which is incorporated into this rule by reference
474 and available for download online:
475 [https://www.maine.gov/ems/sites/maine.gov/ems/files/inlin
477 e-files/20230522-Maine-EMS-Vision-and-Plan.pdf](https://www.maine.gov/ems/sites/maine.gov/ems/files/inlin
476 e-files/20230522-Maine-EMS-Vision-and-Plan.pdf);

478 (7) Investment in capital expenditures not to exceed
479 \$50,000.00 in the aggregate; and

480 (8) Board-Licensed Training Centers Only:

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482 (a) Support the hiring of qualified and credentialed
483 instructors to adequately cover course
484 administration and demand for delivery.

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486 (b) Supplement the cost(s) of program
487 administration and maintenance.

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489 D. If the applicant is a Board-Designated Regional Council, the
490 application must contain an agreement that \$150,000.00 of the
491 allocated amount shall be used to provide Regional Medical Director
492 and Associate Regional Medical Director services for at minimum of a
493 three (3) year period following the disbursement of funds.

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496 2. **Programmatic Criteria for Evaluating Applications.** An application that meets
497 the requirements of §1 must be evaluated based on the following programmatic
498 criteria:

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500 A. Based on the proposed programming, whether it aligns with the
501 activities authorized in §1 above and whether the action will likely
502 result in increasing the sustainability of local EMS entities, regional
503 EMS entities, or the Maine EMS system's sustainability.

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505 B. If supplementing wages, ensure that EMS entities are not paying any
506 individual staff member more than \$76,500.00 annually with the
507 awarded funding. This is not inclusive of associated standard
508 employee benefits.

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C. If a Transporting or Non-Transporting EMS Service was awarded funds under the Maine EMS Stabilization Program, the Service is in compliance with the program contract for their agency. Non-compliance with the Maine EMS Stabilization Program Contract is grounds for application denial in addition to any penalties or remedies provided for under Chapter 25 of these Rules and the Service’s Maine EMS Stabilization Program Contract.

D. If a Transporting or Non-Transporting EMS Service, and if the application is not an initial application, the amount sought does not exceed the entity’s FMA.

E. If making a capital expenditure, ensure that all capital expenditures collectively do not exceed \$50,000.00 in total.

(1) Only purchases valued at \$5,000.00 or more are considered capital expenditures for the purposes of this rule.

3. **Unauthorized Uses of Funds.** Applications shall also be reviewed for potential unauthorized uses of funding. Applications may be denied should it be determined that the applicant EMS entity intends to use the funding for unauthorized uses. The following are unauthorized uses of the funding:

A. Expenses or losses reimbursed from any other source(s) or that other sources are obligated to repay.

B. Expenses related to staffing needs exceeding an annual salary of \$76,500.00, as prorated over the applicable period. This limit does not include standard employee benefit offerings (i.e., the cost of a staff member may be higher because the cost of benefits and salary exceeds \$76,500.00.).

C. Construction, renovation, purchase, or acquisition costs for facilities.

D. Payment for existing indebtedness.

E. Payment on obligations incurred prior to the award of funds.

F. Supplanting existing local subsidies or funding sources except if they replace volunteer labor, donated services, donated goods, or funds raised through community fundraising efforts (e.g., bake sales, dinners, etc.).

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SECTION 8. EVALUATION OF APPLICATIONS

1. **Evaluation Panel.** The Director shall establish an evaluation panel of at least three people who will serve to evaluate each of the applications to ensure compliance with the requirements, programmatic criteria, and to screen for identifiable unauthorized uses of the funding.

2. **Process.** Each panel member shall review each application separately and determine if the proposed programming and budget align with the previous section.
 - A. If a single member of the panel, following their review, believes that an application is out of compliance with any component of Section Seven (7) of this rule, all members of the evaluation panel shall meet to discuss.

 - B. If it is determined by a majority of the evaluation panel that the application is or may be out of compliance with one or more of the components outlined in Section Seven (7) of this rule, they may take any, or all, of the following actions:
 - (1) Request additional information from the applicant.

 - (2) Offer the applicant the opportunity to modify its application within 15 calendar days to come into compliance with Section Seven (7) of this rule.

 - C. If, following these actions, the majority of the evaluation panel determines that all or part of the application remains out of compliance, they may deny all or part of the proposed programming and its associated budget line. This denial is considered Final Agency Action, appealable to the Superior Court in accordance with the Maine Administrative Procedure Act, 5 M.R.S. Ch. 375 Subchapter VII.

 - D. If an application is denied in totality, the applicant will not be eligible for funding under the applicable Announcement of Funding Opportunity. Funds comprising the denied applicant's potential maximum allocation shall be retained for future funding opportunities in accordance with this rule.

SECTION 9. REPORTING

595 1. **Requirements.**

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597 A. The director shall define the reporting requirements for this funding
598 opportunity and incorporate them into the funding agreements with
599 qualified applications.

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601 B. Recipients of funds must track expenditures, detail their purpose, and
602 provide evidence of the impact of the funding on the sustainability of
603 their Service, Maine-licensed Training Center, Board-Designated
604 Regional Council, Region, and/or the Maine EMS System.

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606 2. **Reporting Frequency.**

607 A. The minimum frequency of a report shall be at least quarterly, with an
608 annual update. The frequency of reporting required shall be defined in
609 the funding agreement.

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611 **SECTION 10. DISPENSING FUNDS**

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613 1. After review, the Director shall enter into an agreement with each qualified
614 applicant for the amount awarded.

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616 2. **Delegation.** The Board delegates authority to the Director to enter into
617 agreements with qualified applicants for the disbursement of sustainability funds
618 in amounts totaling no more than \$900,000.00 for any eligible EMS entity.
619 Following approval of an application by the evaluation panel, the Director may
620 enter into the agreement without any additional authorization from the Board.

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623 STATUTORY AUTHORITY: 32 M.R.S. §84(1)(A), 32 M.R.S. §98(4)

624 EFFECTIVE: TBD