

TITLE 7 HEALTH
CHAPTER 27 EMERGENCY MEDICAL SERVICES
PART 4 EMERGENCY MEDICAL SERVICES FUND ACT

7.27.4.1 ISSUING AGENCY: New Mexico Department of Health
[7.27.4.1 NMAC - Rp, 7.27.4.1 NMAC, 8/13/2004]

7.27.4.2 SCOPE: The Emergency Medical Services Fund Act shall apply to requests made for funds available pursuant to the Emergency Medical Services Fund Act, Section 24-10A-1, et seq., NMSA 1978.
[7.27.4.2 NMAC - Rp, 7.27.4.2 NMAC, 8/13/2004]

7.27.4.3 STATUTORY AUTHORITY: This rule is promulgated pursuant to the following statutory authorities: 1) the Department of Health Act, Section 9-7-6.E., NMSA 1978, which authorizes the secretary of the department of health to “, make and adopt such reasonable and procedural rules and regulations as may be necessary to carry out the duties of the department and its divisions”, and; 2) the Emergency Medical Services Fund Act (as amended by Laws of 2001, Chapter 273), Section 24-10A-3.1., NMSA 1978, which authorizes the department of health to adopt rules to carry out the provisions of the act.
[7.27.4.3 NMAC - Rp, 7.27.4.3 NMAC, 8/13/2004]

7.27.4.4 DURATION: Permanent.
[7.27.4.4 NMAC - Rp, 7.27.4.4 NMAC, 8/13/2004]

7.27.4.5 EFFECTIVE DATE: August 13, 2004, unless a later date is cited at the end of a section.
[7.27.4.5 NMAC - Rp, 7.27.4.5 NMAC, 8/13/2004]

7.27.4.6 OBJECTIVE: The objective of Part 4, of Chapter 27 is to establish standards and procedures for regulating programs under the Emergency Medical Services Fund Act. These standards and procedures are designed for the purpose of making funds available to municipalities and counties, in proportion to their needs, for use in the establishment and enhancement of local emergency medical services in order to reduce injury and loss of life. This rule will inform New Mexico municipalities and counties of the procedures to access funds. The department of health, through the emergency medical systems bureau, will administer the fund pursuant to the Emergency Medical Services Fund Act and this rule.
[7.27.4.6 NMAC - Rp, 7.27.4.6 NMAC, 8/13/2004]

7.27.4.7 DEFINITIONS:

A. “Accumulation” means the expenditure or disposition in the current fiscal year of funds distributed in the prior fiscal year. However, a municipality or county may accumulate balances to purchase vehicles or equipment if the accumulation and a purchase plan have been approved by the bureau.

B. “Act” means the Emergency Medical Services Fund Act, Section 24-10A-1, et seq., NMSA 1978 (as amended by Laws of 2001, Chapter 273).

C. “Advisory committee” means those individuals, representing specific agencies, organizations, and consumers appointed by the secretary to advise the bureau on statewide EMS policy matters.

D. “Ambulance service” means a publicly or privately owned entity holding a current certificate of the New Mexico public regulation commission as an emergency response ambulance service and subject to the rules and regulations of the public regulation commission or its successor agency.

E. “Applicant” means an incorporated municipality or county applying on behalf of a local recipient. For special funding applications (i.e., statewide and local system improvement projects), applicant also includes EMS regional office, approved training institution or the bureau.

F. “Area” for purposes of pro-rata allocation of designated funds by county as described in Subsection D of 7.27.4.11 NMAC, of this rule, means the area, expressed in square miles, for each New Mexico county as reported in the U.S. department of commerce publication entitled area measurement reports, areas of New Mexico: (most recent edition).

G. “Bureau” means the emergency medical systems bureau of the office of health emergency management, New Mexico department of health.

H. “Chief” means the chief of the emergency medical systems bureau.

I. “Department” means the New Mexico department of health.

- J. “Director” means the director of the epidemiology and response division.
- K. “Division” means the epidemiology and response division.
- L. “Eligible item” means a cost or item of proposed expenditure under the local EMS funding program, which is eligible for funding under the act and includes those categories listed in Subsection N of 7.27.4.11 NMAC of this rule.
- M. “Emergency medical dispatch agency (EMDA)” means an organization, or a combination of organizations working cooperatively, that routinely accepts calls for emergency medical assistance and employs emergency medical dispatch priority reference system (EMDPRS) techniques.
- N. “EMS” means the services rendered by emergency medical technicians, licensed emergency medical services first responders or emergency medical dispatchers in response to an individual’s need for immediate medical care to prevent loss of life or aggravation of physical or psychological illness or injury.
- O. “EMS regional office” means those regional planning and development agencies formally recognized and supported by the bureau.
- P. “Fiscal year” means the state fiscal year that runs from July 1 through June 30 each year.
- Q. “Federal fiscal year “ means the federal fiscal year that runs from October 1 through September 30 each year.
- R. “Fund” means the emergency medical services fund.
- S. “Licensing fees” mean the licensure fees, licensure renewal fees, and travel and per-diem expenses associated with the licensing and the certification process in New Mexico required of emergency medical technicians and licensed EMS first responders under current regulations governing the certification and licensing of EMS personnel.
- T. “Local EMS personnel” means an individual who is authorized to provide pre-hospital care and is affiliated with a local recipient.
- U. “Local emergency medical services system” means coordinated system of health care in a defined geographic area, including but not limited to community education and prevention programs, centralized access, emergency medical dispatch, law enforcement, licensed EMS personnel, fire medical rescue, ambulance, and hospital which support, respond to and/or provide emergency medical care in an organized fashion to the real or perceived needs of sick or injured persons in New Mexico and its border areas. For the purpose of funding, local emergency medical service system means one or more local recipients within a single EMS system.
- V. “Local recipient” means an ambulance service, medical rescue service, fire department rescue service or fire district, air ambulance service, or other pre-hospital care provider:
- (1) that routinely responds to an individual’s need for immediate medical care in order to prevent loss of life or aggravation of physical or psychological illness or injury;
 - (2) whose application for funding through the Emergency Medical Services Fund Act is sponsored by a municipality or county;
 - (3) that meets department guidelines concerning personnel training, use of bureau-approved run forms, participation in mutual aid agreements and medical control and;
 - (4) receives funds distributed under the act and this rule.
- W. “Medical director” means a physician currently licensed or otherwise authorized to practice in New Mexico who directs or supervises the practice of EMS personnel, or assists in the development and approval of local protocols and who participates in the development and implementation of quality assurance activities and training programs in connection with an EMS provider.
- X. “Medical-rescue service” means a provider that is part of the emergency medical services system but not subject to the authority of the public regulation commission or its successor agency, under the Ambulance Standards Act (Sections 65-6-1 to 65-6-6, NMSA 1978) and which may be dispatched to the scene of an emergency to provide rescue or medical care.
- Y. “Population” for purposes of pro-rata allocation of designed funds by county as described in Subsection D, Paragraph (1) 7.27.4.11 NMAC of these rules, means the population estimates for each New Mexico county as shown in the most recent report of provisional figures in the U.S. department of commerce publication entitled population estimates, “estimates of the population of New Mexico counties and metropolitan areas: (identifier)”.
- Z. “Pre-hospital data base program” means the routine submission of essential pre-hospital data elements as defined by the bureau via bureau provided run forms or other methods.
- AA. “Prevention program” means a planned activity with a defined purpose, stated objectives, implementation schedule and an evaluation component that seeks to prevent or reduce illness or injury. Examples include but not limited to bicycle helmet promotion, seat belt awareness campaign, child car seat distribution

program, DWI prevention and first aid training.

BB. "Qualified instructor" means an individual who through education, training, and experience is approved by an approved EMS training program to teach local EMS personnel or by the bureau to teach continuing education.

CC. "Salaries and benefits" means regular compensation for services or work, including other payments made in accord with a salary agreement, such as insurance, retirement, leave accrual, etc.

DD. "Statewide" for the purpose of statewide EMS system improvement projects means two (2) or more EMS local systems, a county, a training institution, an EMS regional office or the bureau, which support, respond to and/or provide medical care in an organized fashion to the real or perceived needs of at risk, sick or injured persons in New Mexico and its border areas.

EE. "Routinely responds" means the local recipient is available and may be dispatched to a medical or traumatic emergency twenty-four (24) hours per day, seven (7) days per week.

FF. "Run" means an EMS response dispatched to an existing or potential medical event, by one or more local recipients to provide EMS assistance and/or transportation of a patient, regardless of the number of patients on scene.

GG. "Secretary" means the secretary of the New Mexico department of health.

HH. "Training program" means a course provided by an approved EMS training program or any continuing education approved by the bureau.

II. "Tuition" means those charges, including fees and textbooks, for the enrollment of students in approved EMS training programs, continuing education, and conferences relevant to the education and training of local EMS personnel.

[7.27.4.7 NMAC - Rp, 7.27.4.7 NMAC, 8/13/2004]

7.27.4.8 DUTY OF THE BUREAU: The bureau shall administer the fund and provide for the distribution of the fund pursuant to the act and this rule. The bureau shall certify the names and the amount distributed to each applicant and local recipient in accordance with the provisions of the act and this rule. To accumulate funds, municipalities or counties shall submit an accumulation and purchase plan, in writing to the bureau. The bureau shall review and approve/disapprove the plan in writing. Accumulated funds shall only be expended as outlined in the bureau approved purchase plan.

[7.27.4.8 NMAC - Rp, 7.27.4.8 NMAC, 8/13/2004]

7.27.4.9 ANNUAL REPORT: The bureau shall prepare an annual report which includes a summary of the current fiscal year distribution, the number of approved applications for the local funding program, local and statewide system support projects, the vehicle purchase program and the approved budgets for administration and the trauma support program. In addition, the report will include the dollar amounts requested, amount of appropriation, average distribution amount, the types of local recipients, total number of runs, and a break down of the distribution by county. The report shall be made available to public entities and the public on request.

[7.27.4.9 NMAC - Rp, 7.27.4.9 NMAC, 8/13/2004]

7.27.4.10 EXTENSION OF TIME: Extension of time for the filing of an application or document may be granted, if the person seeking the extension can show good cause to the satisfaction of the chief. Requests for extension of time shall be received in writing in advance of the date on which the application or document is due to be filed. No extension shall exceed ten (10) calendar days. Extensions shall be confirmed or denied in writing.

[7.27.4.10 NMAC - Rp 7.27.4.10 NMAC, 8/13/2004]

7.27.4.11 LOCAL EMS FUNDING PROGRAM: In a fiscal year, no less than seventy-five percent (75%) of the money in the fund shall be used for the local emergency medical services funding program. The program shall provide for: the establishment or enhancement of local emergency medical services; operational costs other than salaries and benefits of local emergency medical services personnel, purchase, repair and maintenance of emergency medical services vehicles, equipment and supplies; implementation of prevention program and the training and licensing of local emergency services personnel.

A. ASSURANCES: The bureau shall authorize distributions from money in the fund to the extent funds are available during a fiscal year. Distribution from money in the fund shall be made only to applicants on behalf of local recipients, that:

- (1) submit an approved application to the bureau;
- (2) demonstrate a need for a distribution from the fund and the amount required;

(3) agree to expend funds distributed from the fund only for the purposes stated in the application and approved by the bureau;

(4) authorization of the chief executive of the incorporated municipality or county on behalf of the local recipient upon vouchers issued by the treasurer and/or fiscal agent of each political subdivision shall also be required; accountability and reporting of these funds shall be in accordance with the requirements set forth by the local government division of the New Mexico department of finance and administration; and

(5) agree that the funds distributed under the act will not supplant other funds budgeted and designated for emergency medical service purposes by the applicant; applications for distributions of money from the fund shall be accompanied by a certified statement that the applicant shall not supplant any other public monies available for these same purposes.

B. UPPER FUNDING LIMITATION - STATUTORY REQUIREMENT: No more than one percent (1%) may be distributed from the fund through any one county or municipality in any one fiscal year on behalf of any one local recipient whose proposal for assistance has been approved by the incorporated county or municipality. The advisory committee will annually recommend maximum funding amount prior to the (November) mail out of applications.

C. MINIMUM FUNDING BASE ESTABLISHED - REGULATORY REQUIREMENT: In a fiscal year, each local recipient which has been approved pursuant to this rule, may be allocated a minimum distribution based on the criteria established in this section. Approved applications requesting less than the minimum will be funded in the amount requested. For the purpose of determining funding eligibility, local EMS personnel cannot be affiliated with more than (1) one local recipient.

(1) Emergency Medical Service - Start-Up Funding Level: This level is eligible to receive a one (1) time, minimum distribution of one thousand five hundred dollars (\$1,500), upon recommendation from the advisory committee. The minimum requirements for this level are to submit a:

- (a) letter of commitment from the chief;
- (b) letter of review and recommendation from the respective EMS regional office; and
- (c) letter of support from the medical director.

(2) Medical-Rescue Service - Entry Level: This level is eligible to receive a minimum distribution of one thousand five hundred dollars (\$1,500) if the following criteria are met and are verified by the applicant. The minimum criteria for this level are:

- (a) at least fifty percent (50%) of EMS runs covered by a licensed first responder within two years of the initial request for funding;
- (b) the service has at least basic medical supplies and equipment;
- (c) the service has at least one written mutual aid agreement or other written cooperative plan with a transporting ambulance and will attach to the application a copy of the agreement(s);
- (d) the service has a designated training coordinator; and
- (e) the service shall participate in the bureau's pre-hospital data collection system as determined by the bureau, by using the bureau's software, web-site or by submitting compatible data.

(3) Medical-Rescue Service - First Responder Level: This level of service is eligible to receive a minimum distribution of three thousand dollars (\$3,000) if the following criteria are met and are verified by the applicant. The minimum criteria for this level are:

- (a) at least eighty percent (80%) of EMS runs were covered in the prior federal fiscal year (October 1 - September 30), by a licensed EMS first responder or higher licensed medical personnel and shall continue to demonstrate that EMS response level; here shall be a minimum of at least two licensed EMS first responders with the service;
- (b) the service has at least basic medical supplies and equipment;
- (c) the service has at least one written mutual aid agreement or other written cooperative plan with a transporting ambulance and will attach to the application a copy of the agreement (s);
- (d) the service has a designated training coordinator;
- (e) the service shall participate in the bureau's pre-hospital data collection system, as determined by the bureau, by using the bureau's software, web-site or by submitted compatible data;
- (f) the service has a medical director, if automatic defibrillation capable.

(4) Medical Rescue Service or Ambulance - Basic Level: This level of service is eligible to receive a minimum distribution of five thousand dollars (\$5,000) if the following criteria are met and are verified by the applicant. The minimum criteria for this level are:

- (a) at least eighty percent (80%) of EMS runs shall be were covered in the prior federal fiscal year (October 1 - September 30), by a licensed EMT-basic or higher level of licensed medical personnel and shall

continue to demonstrate that EMS response level; there shall be a minimum of at least two licensed EMT basics with the service;

- (b) the service has at least basic medical supplies and equipment;
- (c) the service has at least one written mutual aid agreement or other written cooperative plan with first response or transporting ambulance service(s) and will attach to the application a copy of the agreement(s);
- (d) the service has a designated training coordinator;
- (e) the service shall participate in the bureau's pre-hospital data collection system as determined by the bureau by using the bureau's software, web-site or by submitting compatible data;
- (f) the service has a service medical director and appropriate medical protocols;
- (g) the service complies with public regulation commission (PRC) regulation 18.4.2 NMAC, if applicable, or such other regulations as may be adopted by the PRC or its successor agency regarding registered medical rescue and certified ambulances and;
- (h) the service complies with the department's air ambulance certification regulations where applicable.

(5) Medical-Rescue Service or Ambulance - Advanced Level: This level is eligible to receive a minimum distribution of seven thousand dollars (\$7,000) if the following criteria are met and are verified by the applicant. The minimum criteria for this level are:

- (a) at least eighty percent (80%) of EMS runs were covered in the prior federal fiscal year (October 1 - September 30), by licensed EMT intermediate or paramedic level personnel; or, if an emergency medical dispatch priority reference system (EMDPRS) is utilized, at least 80% of all runs determined by dispatch to require an advance level response shall be covered by licensed EMT intermediate or paramedic level personnel and there shall be at least one additional licensed EMT with the service;
- (b) the service has at least basic and advanced medical supplies and equipment;
- (c) the service shall maintain at least one transport capable vehicle if appropriate within the local EMS system;
- (d) the service has at least one written mutual aid agreement or other written cooperative agreement with first response or transporting ambulance service(s) and will attach to the application a copy of the agreement(s);
- (e) the service shall participate in the bureau's pre-hospital data collection system as determined by the bureau by using the bureau's software, web-site or by submitting compatible data;
- (f) the service has a designated training coordinator;
- (g) the service has a service medical director and appropriate BLS and ALS medical protocols;
- (h) the service routinely responds when dispatched for all medical and traumatic emergencies within its primary response area;
- (i) the service complies with public regulation commission (PRC) Regulation 18.4.2 NMAC, if applicable, or such other regulations as may be adopted by the PRC or its successor agency regarding registered medical - rescue and certificated ambulances; and
- (j) the service complies with the department's certification of air ambulance services regulations where applicable.

D. FUNDING FORMULA DEFINITION: If the money available is not sufficient to meet the funding requested in the applications of all local recipients at the statutory maximum, the bureau shall allocate the funds according to the following formula.

(1) After computation of the sum of minimum allocations pursuant to Subsection C of 7.27.4.11 NMAC, a total county share shall be determined. The balance of funds shall be divided into two equal portions. For each county, the first portion shall be prorated according to area of the county as a percentage of total state area, and the other portion shall be prorated according to population of the county as a percentage of total state population.

(2) From the county share established above, the individual allocation to each local recipient shall be determined based on the relative number of runs in the prior federal fiscal year (October 1 through September 30) as reflected in the application of the local recipient and verified through the bureau's pre-hospital data base program.

(3) In the event that an incorporated municipality or county supports the applications of more than one local recipient, the bureau shall determine the pro-rata share for each local recipient in the allocation of funds based on the number of annual runs reported.

E. SPECIAL CONDITIONS EMERGENCY FUNDING: Subject to the availability of funds, the bureau will entertain applications for funding at any time based on the following criteria.

(1) The local recipient needs some immediate financial support for first year, startup services and the local community cannot provide adequate initial funding support. Financial need shall be verified by the bureau.

(2) The local recipient does not have financial support to continue operations due to an emergency situation. The bureau will consider an application for a one-time special financial award. The request for financial assistance will be verified by the bureau. To be eligible for emergency funding, applicant and local recipient shall provide a letter of support for the emergency funding from their respective EMS regional director and shall document the need for emergency funding based on the following criteria:

- (a) the need for emergency funding is unanticipated;
 - (b) emergency funding is necessary to protect life, health and safety;
 - (c) applicant and local recipient have exhausted all reasonable alternative funding sources.
- (3) The bureau will advise the advisory committee of such distributions.
- (4) The decision is subject to the appeal provision of Subsection J of 7.27.4.11 NMAC, of this rule.

F. DISTRIBUTION METHOD TO ENSURE COMPLIANCE WITH STATUTORY LIMITATION:

To comply with the statutory limitation per local recipient, the department shall certify for distribution only funds computed and allocated according to Subsection G of 7.27.4.11 NMAC. Individual distribution amounts computed that are in excess of the maximum amount for a local recipient shall be pro-rated in accordance with Paragraph (2) of Subsection D of 7.27.4.11 NMAC, to all other eligible remaining local recipients in that county. If funding of all local recipients within a county is at the statutory maximum, and there still remains an overage in the county share, the balance shall be reallocated as described in Subsection G of 7.27.4.11 NMAC to all other counties, and distributed to local recipients within those counties still remaining eligible, in addition to their first distribution.

G. INDIVIDUAL DISTRIBUTION: Subject to Subsection F of 7.27.4.11 NMAC, the distribution to each local recipient shall be the sum of its share as calculated under Paragraph (2) of Subsection D of 7.27.4.11 NMAC and the minimum allocation under Subsection C of 7.27.4.11 NMAC, unless the entity's total distribution shall have been otherwise established pursuant to the exception in Subsection B of 7.27.4.11 NMAC.

H. APPLICATION: Applicants shall request and use the most current forms for preparation of applications. Applications will be made available to all counties, municipalities and local recipients.

I. APPLICATION CYCLE: The following cycle will apply for the local emergency medical services funding program.

(1) Applications will be distributed to all counties, municipalities and local recipients by November 1 of each year.

(2) The local recipient and applicant shall submit to the bureau, a completed application which shall be postmarked or hand-delivered by January 15.

(3) The bureau shall review the applications, calculate the distribution of funds and notify the applicant and local recipients of its determination by May 1 of each year.

J. PROCEDURES FOR APPEAL OF DETERMINATION: Pursuant to Section 24-10A-5 NMSA 1978, an applicant (county and/or municipality) desiring reconsideration of the bureau's determination as to its application for funding may appeal the determination by notifying the chief.

(1) The appeal shall be in writing and shall be received by the bureau within ten (10) working days after notification to the applicant of the bureau's determination.

(2) The bureau shall refer the appeal to the advisory committee for its review and recommendation. Upon receiving the advisory committee's recommendation, the secretary shall issue a final determination and send notice to the part appealing on or before June 15 of the results of the appeal.

K. DISBURSEMENT: The chief shall certify final determination to the state treasurer and the department of finance and administration (DFA) on or before June 30 for distribution as early as possible in the next fiscal year.

L. REPORTING REQUIREMENTS: The bureau may require special reports from applicants or local recipients regarding the appropriate use, maintenance and disposition of any items acquired with funds distributed under this section.

M. ELIGIBLE ITEMS OF EXPENDITURE: Items eligible for funding are:

- (1) purchase, repair, and maintenance of ambulance and/or rescue vehicles;
- (2) purchase, repair, and maintenance of medical and rescue training equipment;
- (3) purchase, installation, repair, and maintenance of communications systems for use by local EMS systems;
- (4) payment of EMS training program tuition, per-diem, and mileage for local EMS personnel to attend EMS related training and continuing education programs, either in-state or within one hundred and fifty (150) miles of New Mexico's borders; training beyond the one hundred and fifty (150) mile limit shall be justified and receive prior written approval from the bureau, in order to be an eligible expense;
- (5) payment of fees to qualified instructors and reasonable expenses associated with the development

and provision of EMS related training and continuing education programs on a local or regional basis;

- (6) payment of fees for medical direction;
- (7) the cost of New Mexico examination, certification and/or licensing fees for EMS personnel;
- (8) payment of costs related to legally mandated health and safety measures for the protection of local EMS personnel, such as vaccine, chest x-rays, etc;
- (9) all other operating expenses, including rent, utilities, insurance, gas and oil, etc., except those listed in Subsection N of 7.27.4.11 NMAC;
- (10) reimbursement for such items as uniforms, cleaning expenses, meals, travel, etc. when on duty, and;
- (11) expenditures associated with the implementation of a prevention program.

N. INELIGIBLE ITEMS OF EXPENDITURE: Costs which are not eligible for funding include:

- (1) land;
- (2) buildings and construction, except as provided in Paragraph (3) of Subsection M of 7.27.4.11 NMAC above;
- (3) certification fees charged by the national registry of EMT's, unless required for New Mexico licensure;
- (4) costs for salaries and benefits of local emergency medical services personnel and;
- (5) medical care expenses for EMS personnel, except as provided in Subsection M of 7.27.4.11 NMAC of this rule.

O. BUDGET ADJUSTMENTS:

- (1) An applicant or a local recipient may request a budget adjustment for any of the following reasons or other good cause shown:
 - (a) to permit the expenditure of any balance of funds subsequent to the purchase of an eligible item;
 - (b) to permit expenditure on a pro-rata basis of funds allocated when the allocations are insufficient to fund the cost of the eligible item;
 - (c) to change priorities or change requested items;
 - (d) to permit expenditure of all or part of a given fiscal year's distribution in the following fiscal year; the deadline to request the bureau's approval to carry over funds shall be made in writing by October 31;
 - (e) to allow and facilitate intra-county or geographical region re-distribution of allocations to maximize the available funding; an intra-county or geographical region re-distribution of funds shall be requested by the applicant(s) and have the written concurrence of all involved local recipients.
- (2) Each proposed budget adjustment shall be submitted in writing to the bureau and shall receive the Bureau's approval prior to expending or encumbering the reallocated funds.
- (3) Budget adjustments totaling less than two hundred and fifty dollars (\$250) do not require bureau approval except as provided in Paragraph (2) of Subsection O of 7.27.4.11.NMAC.

P. OTHER CONSIDERATIONS:

- (1) In the event a county and one or more incorporated municipalities apply on behalf of the same local recipient, only the county's application shall be accepted and certified for distribution.
- (2) Individual applications may be approved by the bureau for separate locations of a local recipient that are at least fifteen (15) miles apart from the next closest station, as measured by the driving distance using the most direct route between the two (2) locations.
- (3) Local recipient shall not submit multiple applications for the purpose of receiving additional EMS Fund Act distributions, except in special situations, as approved by the bureau on a case by case basis.

Q. TRANSITION:

- (1) In the event that a local recipient ceases operations, an itemized year to date expenditure report of EMS Fund Act money shall be submitted to the bureau.
- (2) It is the responsibility of the applicant to inventory and redistribute all equipment purchased with the EMS Fund Act money, to other local recipients in its county or municipality, and provide a report to the bureau. [7.27.4.11 NMAC - Rp, 7.27.4.11 NMAC, 8/13/2004]

7.27.4.12 LOCAL EMS SYSTEM IMPROVEMENT PROJECTS, EMS VEHICLE PURCHASE PROJECTS, STATEWIDE EMS SYSTEM IMPROVEMENT PROJECTS AND EMD AGENCY SUPPORT PROGRAMS

A. LOCAL EMS SYSTEM IMPROVEMENT PROJECTS, EMS VEHICLE PURCHASE PROJECTS, STATEWIDE EMS SYSTEM IMPROVEMENT PROJECTS AND EMD AGENCY SUPPORT

PROGRAMS: In a fiscal year, no more than eighteen percent (18%) of the fund may be used for local and statewide emergency medical services system improvement projects, the purchase of emergency medical services vehicles, and funding for certified emergency medical dispatch agencies. Applicants shall be funded on a competitive basis. Applications under this section shall be submitted by incorporated municipalities or counties on behalf of local recipients, unless it is a statewide system improvement application, where applicant may be a training institution, EMS regional office or the bureau.

B. APPLICATION: Applicants and local recipients shall request and use the most current forms to apply for these funds. The applications will be made available to all applicants and local recipients.

C. APPLICATION CYCLE: The bureau shall distribute applications for local EMS system improvement projects, EMS vehicle purchase projects, statewide EMS system improvement projects, and certified EMD agencies as set forth below.

(1) The bureau shall issue a request for applications by August 15.

(2) The applicant or EMS service, with authorization from its fiscal agent, shall submit to the bureau, a completed application which shall be postmarked or hand-delivered by November 1. Technical assistance may be provided by the EMS regional office.

(3) The bureau shall provide copies of each local EMS system improvement application and EMS vehicle purchase project application to the respective EMS regional office and the statewide EMS system improvement applications to the EMS operations manager by no later than December 01, of each year.

D. REVIEW PROCESS: The EMS regional offices shall review all applications for local EMS system improvement projects and EMS vehicle purchase projects submitted by applicants within their respective regional areas. Each regional EMS advisory committee/governing board shall review the applications within its region and submit a prioritized listing of applications for funding to the advisory committee no later than March 01 of each year. EMS regional offices and the bureau shall collaboratively assign applications to the appropriate category of funding (statewide system or local system improvement) which shall not be changed unless recommended by a majority of the advisory committee. The advisory committee will review the prioritized listing and make recommendations to the bureau at their annual spring meeting. The bureau shall make its determination on projects to be funded by May 1.

E. LOCAL EMS SYSTEM IMPROVEMENT PROJECTS: At a minimum, an application for the local EMS system improvement projects shall address the following areas:

(1) a complete description of the existing EMS system for which the local EMS system improvement project is requested; this description should include all pertinent information which describes all local EMS components that would be affected by the project;

(2) a complete description of the proposed local EMS system improvement project including a detailed analysis of the need and a narrative showing how the project will contribute to the enhancement and/or integration of the local EMS system;

(3) a detailed proposed budget depicting all anticipated costs for implementation of the proposed project including a clear demonstration of local support via cash and/or in-kind participation; the demonstration of local support will be considered in the final determination;

(4) assurances of support and involvement from all parties involved in the project proposal;

(5) a one page abstract of the proposed project summarizing the request; and

(6) notarized signature(s) of the appropriate municipal and/or county officials;

(7) request for vehicles (ambulance, rescue, administrative etc.) are not considered to be a local system improvement project; requests for any type vehicle should be submitted under the EMS vehicle purchase program.

F. EMS VEHICLE PURCHASE PROJECTS: The following are required for the EMS vehicle purchase projects:

(1) the county or municipality submitting the application shall commit to providing matching funds of at least twenty-five percent (25%) of the base price of purchasing the vehicle only, without regard to equipment or operation costs; there shall be no restrictions on the source of the matching funds;

(2) a complete description of the proposed vehicle including a detailed analysis of the need and a narrative showing how the purchase will contribute to the enhancement and/or integration of the local EMS system;

(3) assurances by the applicant that the local recipient is capable of operating and maintaining the requested vehicle as evidenced by a proposed budget identifying all associated costs of equipping and operating the vehicle;

(4) the applicant shall submit with the application the emergency medical service vehicle assessment form as provided by the bureau and shall have been completed at the time of application;

- (5) assurances of support from all parties involved in the project proposal;
- (6) a one page abstract of the proposed project summarizing the request; and
- (7) Notarized signature(s) of the appropriate municipal and/or county officials;
- (8) upon approval, local recipient will affix a bureau provided decal on the outside of the vehicle; the logo should always face, or be nearer to, the street side of the vehicle (i.e., left, rear left, driver side).

G. STATEWIDE EMS SYSTEM IMPROVEMENT PROJECTS: No more than three percent (3%) of the fund is authorized for projects, which improve the health, safety and training of emergency medical services personnel statewide.

- (1) Applications may be submitted by applicants, local recipients, EMT's or other interested parties.
- (2) The bureau will present a prioritized listing to the advisory committee for its review and consideration. The advisory committee will make a final recommendation to the bureau at it's spring meeting.
- (3) The bureau will make a final determination by May 1.
- (4) Funds not committed for statewide EMS system improvement projects may be allocated for additional vehicle purchase and/or local EMS system improvement projects consistent with recommendations from the advisory committee.

H. EMD AGENCY SUPPORT PROGRAM: Certified EMD agencies may apply for funding for allowable operational costs as an EMS system improvement project, as determined by the bureau, when funds are available. Funding of this program shall be recommended to the bureau by the advisory committee based on the available funds.

I. PROCEDURES FOR RECONSIDERATION: Applicants desiring reconsideration of the bureau's determination as to its application for funding under of 7.27.4.12 NMAC may appeal the determination by notifying the chief.

- (1) The request for reconsideration shall be in writing and shall be received by the bureau within ten (10) working days after notification to the applicant of the bureau's determination.
- (2) Upon receipt of the request for reconsideration, the chief shall issue a final determination and notify all parties on or before June 15.

J. DISBURSEMENT: The chief shall certify the results of final determination to the state treasurer on or before the last working day in June for distribution as early as possible in the next fiscal year.

K. REPORTING REQUIREMENTS:

- (1) All applicants that receive funding for local EMS system improvement projects, vehicle purchase projects and statewide EMS system improvement projects shall submit a final report of the project no later than 120 calendar days following project completion, or annually, whichever occurs first. Certification will be provided when the bureau provided decal is affixed to the vehicle which has been purchased with EMS Fund Act funds pursuant to Paragraph (8) of Subsection F of 7.27.4.12 NMAC no later than 120 calendar days following delivery of vehicle.
- (2) At a minimum, this report will include the name of the county or municipality, address, phone and contact person, the date submitted, the names of the local recipients involved in the project, the year the project was awarded, a brief description of the project, a fiscal accounting or summary of expenditures, total expenditures and any funds remaining, the project achievements and any changes from the originally submitted application.
- (3) The bureau may require a special report from an applicant funded on the appropriate use and maintenance of any eligible item acquired with funds distributed under section for local EMS system improvement projects, EMS vehicle purchase projects or statewide EMS system improvement projects.

L. BUDGET ADJUSTMENTS: For local EMS system improvement projects, EMS vehicle purchase projects and statewide EMS system improvement projects, the following will apply:

- (1) an applicant or a local recipient may request a budget adjustment for any of the following reasons or other good cause shown:
 - (a) to permit the expenditure of any balance of funds subsequent to the purchase of an approved item;
 - (b) to change priorities or change requested items and;
 - (c) to permit expenditure of all or part of an approved project in the following fiscal year. The deadline to request the bureau's approval to carry over funds shall be made in writing by October 31;
- (2) each proposed budget adjustment shall be stated in writing to the bureau and shall receive the bureau's approval prior to expending or encumbering the reallocated funds.

[7.27.4.12 NMAC - Rp, 7.27.4.12 NMAC, 8/13/2004]

7.27.4.13 STATEWIDE TRAUMA CARE SYSTEM PROGRAM

A. STATEWIDE TRAUMA CARE SYSTEM PROGRAM: The statewide trauma care system

program shall provide for the support, development and expansion of the statewide trauma care system in accordance with rules adopted by the department. No more than four percent (4%) will be set aside from the fund for the purpose of supporting the statewide trauma care system program.

B. PROGRAM: The program mission shall include but not be limited to the continued support of the trauma registry database, statewide trauma system leadership, and the development, implementation, expansion, monitoring and support of the statewide trauma care system.

C. BUDGET: Each fiscal year, the bureau, with consultation from the trauma advisory committee, a subcommittee of the advisory committee, will propose a budget for the statewide trauma care system program to the advisory committee for review no later than its summer meeting. Following this review, the bureau will formally budget these funds. The bureau with concurrence from the advisory committee, may make budget adjustments to permit expenditure of all or part of a given fiscal year's budgeted amount for trauma in the following fiscal year.

D. REPORT: The bureau will submit a final report to the advisory committee on the program by the end of the fiscal year. At a minimum the report will include current activities, improvements, evaluation of areas in need and future plans for the continued enhancement of the state trauma care program.

[7.27.4.13 NMAC - Rp, 7.27.4.13 NMAC, 8/13/2004]

7.27.4.14 ADMINISTRATION

A. ADMINISTRATION: From the fund, three percent (3%) may be used by the bureau and EMS regional offices for administrative costs, including monitoring and providing technical assistance, as set forth in this section.

B. INSPECTION - STATUTORY REQUIREMENT: Inspections, pursuant to Section 24-10A-9, NMSA 1978 are to be constructive and informative to the local recipient to insure the highest possible standards of equipment and training are instituted by the local recipient and to identify any areas which could be of danger or harmful to the health, safety and welfare of staff and the public for whom service is provided.

(1) Applicants and local recipients shall be subject to reasonable visitation by authorized representatives of the bureau. Vehicle maintenance records, records of service under warranties, continuing education records, training certificates, and similar records shall be open for inspection, as well as tariff billings and fiscal and expenditure records relative to an area for which full or partial funding was made under the act.

(2) Upon completion of an inspection, the findings shall be discussed with the applicant's and/or local recipient's representative.

(3) If deficiencies are indicated, the applicant and/or local recipient shall submit a report stating how the deficiencies will be corrected and the estimated date of completion. In most cases corrections should be completed within thirty (30) calendar days.

C. LOSS OF FUNDING ELIGIBILITY - STATUTORY REQUIREMENT: A municipality, county or local recipient that the bureau finds has expended money in violation of the act including misrepresentation on the EMS Fund Act application, may be ineligible to receive funding from the bureau for a period of not less than one year or more than three years, through the process set forth below.

(1) When a violation is suspected, the bureau will notify the applicant and/or local recipient in writing identifying the concerns and requesting an explanation or response.

(2) The applicant and/or local recipient shall respond in writing within twenty (20) working days.

(3) The bureau may initiate a formal investigation, including a formal audit, if deemed necessary.

(4) Based upon their findings, the bureau will notify the applicant and/or local recipient in writing of their determination and associated penalty, which can range from one to three years of ineligibility.

(5) The bureau may refer the matter to appropriate law enforcement agencies.

D. OVERSIGHT OF MUTUAL AID: The bureau shall encourage the development of appropriate mutual aid agreements between local recipients to ensure compliance with the act and this rule.

E. COORDINATION: The bureau shall facilitate the coordination of services between state agencies, EMS regional offices, applicants, and local recipients to execute the requirements of the act and this rule for the efficient and effective use of these funds.

F. EVALUATION AND AUDIT OF PROGRAMS: The bureau shall be responsible for the periodic evaluation of all programs and projects receiving funds under the act. This evaluation may include initiation of an objective audit, if deemed necessary.

G. TECHNICAL ASSISTANCE: The bureau shall be responsible to provide, as needed, technical assistance to counties, municipalities, EMS regional offices, state and local agencies and any other parties involved in any of the programs funded through the act and this rule.

[7.27.4.14 NMAC - Rp, 7.27.4.14 NMAC, 8/13/2004]

History of 7.27.4 NMAC:

Pre NMAC: The material in this part was derived from that previously filed with the commission of public records - state records center and archives:

HED 78-9-1, Emergency Medical Services Fund Act Regulations, filed 9-29-78

HED 80-7 (HSD), Emergency Medical Services Fund Act Regulations, filed 10-9-80

HED 84-2 (HSD), Emergency Medical Services Fund Act Regulations, filed 8-8-84

HED 87-11 (PHD/HSD), Emergency Medical Services Fund Act Regulations, filed 10-26-87

DOH Regulation 94-11 (CHSD), Regulations Governing the Emergency Medical Services Fund Act for the State of New Mexico, filed 12-30-94

DOH Regulation 95-05 (CHSD), Regulation Governing the Emergency Medical Services Fund Act, filed 10-25-95.

History of Repealed Material:

7 NMAC 27.4, Emergency Medical Services Fund Act Program (filed 11-26-96), repealed 7/1/2000.

7.27.4 NMAC, Emergency Medical Services Fund Act Program (filed 06-16-2000), repealed 9/13/2001.

Other History:

7 NMAC 27.4, Emergency Medical Services Fund Act Program (filed 11-26-96) replaced by 7.27.4 NMAC, effective 7-1-2000.

7.27.4 NMAC, Emergency Medical Services Fund Act Program (filed 06-16-2000) replaced by 7.27.4 NMAC, Emergency Medical Services Fund Act Program, effective 9/13/2001.

7.27.4 NMAC, Emergency Medical Services Fund Act Program (filed 08/30/2001) replaced by 7.27.4 NMAC, Emergency Medical Services Fund Act, effective 8/13/2004.