

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~~  
30 ~~Service~~Ambulance Service or Non-Transporting  
31 Emergency Medical Service, the applicant must currently  
32 provide and intend to continue to provide emergency  
33 medical services to the community it services.  
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35 (2) If the applicant is a ~~Transporting Ambulance~~  
36 ~~Service~~Ambulance Service, it must participate in the  
37 MaineCare Program and maintain an electronic funds  
38 account with the Maine Department of Health and Human  
39 Services.  
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41 (3) If the applicant is a licensed emergency medical services  
42 training center, the applicant must currently provide and  
43 intend to continue to provide EMS licensure courses to  
44 students.

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46 (4) If the applicant is a regional council, the applicant must be  
47 in compliance with Chapter 15 of these Rules.  
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50 **2. Announcement of Funding Opportunity**

51 **A. Application Period**

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53 (1) Initial Application Period

54 (a) The Application Period will open ~~560~~ days after  
55 the publication of the Announcement of  
56 Funding Opportunity.

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

59 (c) At the discretion of the Board, the initial  
60 application period may be extended by  
61 additional 60-day period(s).  
62

63 (2) Subsequent Application Period(s).

64 (a) No more than 45 days after the final  
65 disbursement of awards has been made for  
66 applications received during the Initial  
67 Application Period, a Subsequent Application  
68 Period may open, during which remaining funds  
69 shall be reallocated in accordance with this rule  
70 for which eligible entities may apply. This will  
71 continue until all funds allocated have been  
72 disbursed.  
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75 B. The Director shall develop an application, approved by the Board, to  
76 ensure compliance with this rule.  
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- 82 C. All applications for funding must comply with this rule, all  
83 instructions provided in the Announcement of Funding Opportunity,  
84 and any instructions and formatting requirements within the  
85 application.  
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87 **SECTION 4. FUNDING POOL**  
88

- 89 1. The total amount of funds available for award during the initial application period  
90 is ~~\$910,380~~8,000.00 for ~~Transporting Ambulance Services~~ and Non-Transporting  
91 Services.  
92
- 93 A. The total amount for ~~Transporting Ambulance~~ Services during the  
94 initial application period is ~~\$67,515,600~~.00.  
95
- 96 B. The total amount for Non-Transporting Services is ~~\$2,73,292,400~~.00.  
97
- 98 2. The total amount of funds available for award during the initial application period  
99 is ~~\$9,7,0500,000~~.00 for Maine EMS-licensed Training Centers.  
100
- 101 3. The total amount of funds available for award during the initial application period  
102 is \$1,000,000.00 for Board-Designated Regional Councils.  
103
- 104 4. **Unawarded Funds.** This section is to be utilized in subsequent application  
105 periods.  
106
- 107 A. Subsequent application periods are open to eligible ~~Transporting~~  
108 ~~Ambulance Services~~ and Non-Transporting Services who were not  
109 awarded their maximum allocated amount, and to Maine EMS-  
110 licensed Training Centers and Board-Designated Regional Councils.  
111
- 112 B. Subsequent application period(s) may be offered if there are funds not  
113 otherwise awarded after the closure of the initial application period.  
114 The unawarded funds will be pooled, and redistributed with eighty-  
115 percent (80%) of the pooled funds available to be reallocated to  
116 ~~Transporting Ambulance Services~~ and Non-Transporting Services, not  
117 to be awarded in excess of an entity's maximum allocation amount,  
118 until there are no eligible ~~Transporting Ambulance Services~~ and Non-  
119 Transporting Services that can receive funds. The remaining twenty  
120 percent (20%) of those funds will be available to be reallocated to  
121 Maine EMS-licensed Training Centers and Board-Designated  
122 Regional Councils.  
123

124 C. When there are no eligible ~~Transporting-Ambulance Services~~ and  
125 Non-Transporting Services that can be awarded funds, the remaining  
126 funds are reallocated to Maine EMS-licensed Training Centers and  
127 Board-Designated Regional Councils.

129 D. Funds reallocated to Maine EMS-licensed Training Centers and  
130 Board-Designated Regional Councils may be allocated in a similar  
131 fashion to the initial award, as determined by the Director.

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133 **SECTION 5. FUNDING ALLOCATION FOR ~~TRANSPORTING AMBULANCE~~**  
134 **SERVICES AND NON-TRANSPORTING SERVICES**

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136 **1. Maximum and Minimum Allocations**

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138 A. ~~Transporting EMS~~ Ambulance Services

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140 (1) Minimum allocation shall be no less than \$15,000.00 per  
141 qualified applicant who functions as a ~~Transporting~~  
142 ~~Ambulance Service~~ Ambulance Service.

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144 (2) Maximum allocation shall not exceed \$200,000.00 per  
145 qualified applicant who functions as a ~~Transporting~~  
146 ~~Ambulance Service~~ Ambulance Service.

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148 B. Non-Transporting EMS Services

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150 (1) Minimum allocation shall be no less than \$5,000.00 per  
151 qualified applicant who functions as a Non-Transporting  
152 Emergency Medical Service.

153  
154 (2) Maximum allocation shall not exceed \$50,000.00 per  
155 qualified applicant who functions as a Non-Transporting  
156 Emergency Medical Service.

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158 **2. Allocation Algorithm.** The Director shall use the following algorithm to  
159 determine the allocation for each qualified applicant:

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161 A. Components

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163 (1) Rurality Score by Zip Code

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165 (a) The director shall use the Frontier and Remote  
166 Area Codes published by the United States

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Department of Agriculture’s Economic Research Service (updated April 15, 2015), which this rule incorporated by reference. However, in situations where there is no score for a specific zip code, or the date is older than 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)

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

(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, for the previous calendar year.

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 Ambulance Services~~ 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.

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

(4) An eligible EMS Service’s distribution percentage or “DP” will equal the eligible EMS Service’s RWCV divided by the TRWCV of the eligible entity’s respective category (Ambulance Services~~transporting~~ or non-transporting).

C. Allocation Process

(1) The Director shall identify all eligible ~~Transporting~~ Ambulance Services and Non-Transporting EMS Services based on the information available to the Office of Emergency Medical Services 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.

(a) Non-Transporting Eligible EMS Services.

(i) Initial maximum allocations or “IMAs” for all Non-Transporting eligible EMS services will be calculated by multiplying the service’s distribution percentage by the total amount of sustainability funds available for non-transporting services.

1. If a service’s IMA is less than or equal to \$5,000.00, the service’s FMA will be \$5,000.00.
2. If a service’s IMA is greater than or equal to \$50,000.00, the service’s FMA will be \$50,000.00.

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3. If a service's IMA is greater than \$5,000.00 but less than \$50,000.00, its IMA will be recalculated by multiplying the service's distribution percentage by 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.

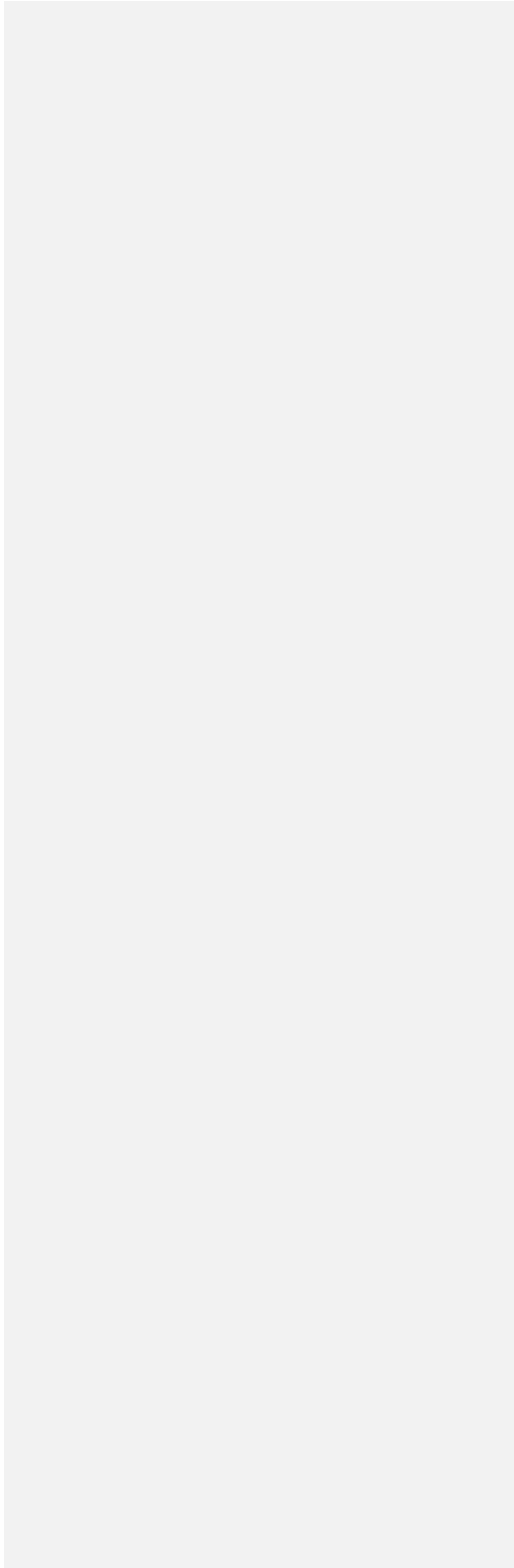
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(b) ~~Transporting Ambulance Services~~ EMS Services

- (i) Initial maximum allocations or “IMAs” for all ~~transporting Ambulance S~~services eligible EMS services will be calculated by multiplying the services distribution percentage by the total amount of stabilization funds available for ~~Ambulance Sservice~~~~transporting services~~.
1. If an ~~Ambulance S~~service’s IMA is less than or equal to \$15,000.00, the service’s FMA will be \$15,000.00.
  2. If an ~~Ambulance S~~service’s IMA is greater than or equal to \$200,000.00, the service’s FMA will be \$200,000.00.
  3. If an ~~Ambulance S~~service’s IMA is greater than \$15,000.00 but less than \$200,000.00, its IMA will be recalculated by multiplying the service’s distribution percentage by the total amount of stabilization funds available for ~~transporting Ambulance S~~services, minus the amounts applied as an FMA ~~pursuant~~ to services pursuant to §1 and §2 above.



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4. If the recalculation of IMAs in §34 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.
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~~Emergency Medical Services Training Centers**

**A. ~~Maine EMS-Licensed Training Centers~~**

**(1) A. Maximum and Minimum Allocation for initial awards**

**(1) The minimum allocation for the initial award of funds shall be \$50,000, and the maximum allocation for the initial**

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423 award of funds shall be \$833,000.00 for entities eligible as  
 424 Maine EMS-Licensed Training Centers. The Maximum and  
 425 Minimum allocation for the initial award of funds shall be  
 426 \$900,000.00 for entities eligible as Maine EMS-Licensed  
 427 Training Centers.

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 429 (2) The director shall use the following algorithm to determine  
 430 the award for each qualified applicant, up to the maximum  
 431 allocation above for the initial award of funds.

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Total available at each level: \$300,000.00					
Number of EMT Students	1-20 \$50,000.00	21-40 \$100,000.00	41-60 \$150,000.00	61-80 \$200,000.00	81 or greater \$300,000.00
Number of AEMT Students	1-5 \$50,000.00	6-10 \$100,000.00	11-15 \$150,000.00	16-20 \$200,000.00	21 or greater \$300,000.00
Number of Paramedic Students	1-10 \$100,000.00				11 or greater \$300,000.00

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 435 ~~(a)~~ This algorithm is based on the number of  
 436 students who obtained their training from the  
 437 applicant, and who passed within six attempts at  
 438 the National Registry Certification Examination  
 439 certification in the last calendar year calculated  
 440 from January 1, 2024-December 31st, 2024.

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442 B.2. Board-Designated Regional Councils

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444 (1)A. Maximum and Minimum Allocation for initial awards

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

451 (i) \$150,000.00 shall be allocated to  
 452 each Board-Designated Regional

453 Council from the above amount to be  
454 used by each Regional Council to  
455 meet the requirements of this  
456 chapter, Section 7(1)(D).

457  
458 ~~Allocation Process. The Director shall identify all Maine~~  
459 ~~EMS-Licensed Training Centers and Board-Designated~~  
460 ~~Regional Councils eligible and determine the final~~  
461 ~~maximum allocation or "FMA" for each of these entities.~~  
462 ~~The Director shall provide a list of these entities and their~~  
463 ~~corresponding FMAs in the Announcement of Funding~~  
464 ~~Opportunity.~~  
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## 466 SECTION 7. REQUIREMENTS, CRITERIA, AND UNAUTHORIZED USES OF FUNDS

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- 468 1. **Requirements.** For an application to be considered complete, an application  
469 must:
- 470
- 471 A. Be completed and submitted by an eligible EMS entity or its agent.
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- 473 B. Be completed in accordance with this rule and any guidance provided  
474 by the Director through the Announcement of Funding Opportunity  
475 and within the application.
- 476
- 477 C. Include, attached, a project plan that meets the standards for the use of  
478 funding; those standards, which describe the only activities for which  
479 funds may be used, are:
- 480
- 481 (1) The initiation or support of programs, applications, or the  
482 use of consultants or experts to establish or support an  
483 ongoing mental health and wellness program;
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- 485 (2) The consolidation and/or regionalization of the delivery of  
486 emergency medical services;
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- 488 (3) Inter-municipality EMS planning for rural patient transport;
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- 490 (4) Supporting training directly related to the provision of  
491 clinical care, safety, leadership, or management of EMS;
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- 493 (5) Supplementing wages, benefits, stipends, and incentives for  
494 EMS clinicians, Ambulance Operators, and/or  
495 administrative support staff (e.g. service-level medical

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

- (6) Implementation of other programming directly related to the Maine EMS Plan for a Sustainable EMS System in the State of Maine: A Vision for 2035, as published on May 22, 2023, which is incorporated into this rule by reference and available for download online:

<https://www.maine.gov/ems/sites/maine.gov.ems/files/inline-files/20230522-Maine-EMS-Vision-and-Plan.pdf>;

- (7) Investment in capital expenditures not to exceed \$510,000.00 in the aggregate; and

- (8) Board-Licensed Training Centers Only:

(a) Support the hiring of qualified and credentialed instructors to adequately cover course administration and demand for delivery over the three year grant period.

(b) Supplement the cost(s) of program administration and maintenance over the three year grant period.

Increase in course offerings  
(c) Increase in access to remote/hybrid course offerings Increase licensure classes offered over the three-year grant period

(d) Increase total number of EMS students over the three-year grant period

(e) Create new hybrid course offerings over the three-year grant period

(f) Offer learning opportunities at a reduced cost over the three-year grant period

(g) Increase non-licensure – EMS Professional Development offerings (Leadership training, safety Officer Courses, Continuous Quality Improvement, EMS Business Training) over the three-year grant period

(b)

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~~D-(9)~~ If the applicant is a Board-Designated Regional Council, the application must contain an agreement that \$150,000.00 of the allocated amount shall be used to provide Regional Medical Director and Associate Regional Medical Director services for at minimum of a three (3) year period following the disbursement of funds.

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

- A. Based on the proposed programming, whether it aligns with the activities authorized in §1 above and whether the action will likely result in increasing the sustainability of local EMS entities, regional EMS entities, or the Maine EMS system’s sustainability.
- B. If supplementing wages, ensure that EMS entities are not paying any individual staff member more than \$76,500.00 annually with the awarded funding. This is not inclusive of associated standard employee benefits.
- C. If an ~~Transporting Ambulance Service~~ 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 an ~~Ambulance Service~~~~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 \$~~5~~100,000.00 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:

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- 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.).

603 **SECTION 8. EVALUATION OF APPLICATIONS**

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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.

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- (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.

643 **SECTION 9. REPORTING**

644 **1. Requirements.**

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- A. The director shall define the reporting requirements for this funding opportunity and incorporate them into the funding agreements with qualified applications.
  - B. Recipients of funds must track expenditures, detail their purpose, and provide evidence of the impact of the funding on the sustainability of their Service, Maine-licensed Training Center, Board-Designated Regional Council, Region, and/or the Maine EMS System.

656 **2. Reporting Frequency.**

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

661 **SECTION 10. DISPENSING FUNDS**

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- 1. After review, the Director shall enter into an agreement with each qualified applicant for the amount awarded.
  - 2. **Delegation.** The Board delegates authority to the Director to enter into agreements with qualified applicants for the disbursement of sustainability funds



668 in amounts totaling no more than \$900,000.00 for any eligible EMS entity.  
669 Following approval of an application by the evaluation panel, the Director may  
670 enter into the agreement without any additional authorization from the Board.

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

674 EFFECTIVE: TBD

PROPOSED

