

**16 DEPARTMENT OF PUBLIC SAFETY**

**163 EMERGENCY MEDICAL SERVICES BOARD (MAINE EMS)**

**Chapter 27: IMPLEMENTATION OF EMS SUSTAINABILITY PROGRAM**

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**SECTION 1. PURPOSE**

The purpose of this rule is to implement procedures for allocating sustainability funds totaling \$19,308,000.00 to emergency medical services entities from the Emergency Medical Services Stabilization and Sustainability Program created by 32 M.R.S. § 98(4) and referred to herein as “the Program”. These Funds are intended to increase financial support and planning for sustainability, collaboration, and the enhancement of efficiency in the delivery of emergency medical services in the State.

**SECTION 2. DEFINITIONS**

1. “Eligible emergency medical services entity” or “eligible EMS entity” has the same meaning as 32 M.R.S. § 98(1)(B).

**SECTION 3. APPLICATIONS**

**1. Eligibility**

A. Eligible Entities. Only eligible EMS entities may apply for sustainability funding from the Program. All eligible EMS entities that apply for funding and meet all the following criteria, as applicable, shall be eligible to receive funding from the Program.

- (1) If the applicant is an Ambulance Service or Non-Transporting Emergency Medical Service, the applicant must currently provide and intend to continue to provide emergency medical services to the community it services.
- (2) If the applicant is an Ambulance Service, it must participate in the MaineCare Program and maintain an electronic funds account with the Maine Department of Health and Human Services.
- (3) If the applicant is a licensed emergency medical services 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 5 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,

and any instructions and formatting requirements within the application.

#### SECTION 4. FUNDING POOL

1. The total amount of funds available for award during the initial application period is \$10,808,000.00 for Ambulance Services and Non-Transporting Services.

- A. The total amount for Ambulance Services is \$7,515,600.00.

- B. The total amount for Non-Transporting Services is \$3,292,400.00.

2. The total amount of funds available for award during the initial application period is \$7,500,000.00 for Maine EMS-licensed Training Centers.

3. The total amount of funds available for award during the initial application period is \$1,000,000.00 for Board-Designated Regional Councils.

4. **Unawarded Funds.** This section is to be utilized in subsequent application periods.

- A. Subsequent application periods are open to eligible Ambulance Services and Non-Transporting Services who were not awarded their maximum allocated amount, and to Maine EMS-licensed Training Centers and Board-Designated Regional Councils.

- B. Subsequent application period(s) may be offered if there are funds not otherwise awarded after the closure of the initial application period. The unawarded funds will be pooled, and redistributed with eighty-percent (80%) of the pooled funds available to be reallocated to Ambulance Services and Non-Transporting Services, not to be awarded in excess of an entity's maximum allocation amount, until there are no eligible Ambulance Services and Non-Transporting Services that can receive funds. The remaining twenty percent (20%) of those funds will be available to be reallocated to Maine EMS-licensed Training Centers and Board-Designated Regional Councils.

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

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

## **SECTION 5. FUNDING ALLOCATION FOR AMBULANCE SERVICES AND NON-TRANSPORTING SERVICES**

### **1. Maximum and Minimum Allocations**

#### **A. Ambulance Services**

(1) Minimum allocation shall be no less than \$15,000.00 per qualified applicant who functions as an Ambulance Service.

(2) Maximum allocation shall not exceed \$200,000.00 per qualified applicant who functions as an Ambulance Service.

#### **B. Non-Transporting Services**

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

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

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

#### **A. Components**

##### **(1) Rurality Score by Zip Code**

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

(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 Ambulance Services and Non-Transporting 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 (Ambulance Services and Non-Transporting Services) 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 or Non-Transporting Services).

#### C. Allocation Process

(1) The Director shall identify all eligible Ambulance Services and Non-Transporting 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 Services.

(i) Initial maximum allocations or “IMAs” for all Non-Transporting 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.

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.

#### (b) Ambulance Services

- (i) Initial maximum allocations or  
"IMAs" for all Ambulance Services



will be calculated by multiplying the services distribution percentage by the total amount of stabilization funds available for Ambulance Services.

1. If an Ambulance 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 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 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 Ambulance Services, minus the amounts applied as an FMA to services pursuant to §1 and §2 above.
4. If the recalculation of IMAs in §3 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. Emergency Medical Services Training Centers**

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 award of funds shall be \$833,000.00 for entities eligible as Maine EMS-Licensed Training Centers.
- (2) The Director shall use the following algorithm to determine the award for each qualified applicant, up to the maximum allocation above for the initial award of funds.

	Total available at each level: \$300,000.00
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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

This algorithm is based on the number of students who obtained their training from the applicant, and who passed within six attempts at the National Registry Certification Examination in the last calendar year calculated from January 1, 2024-December 31st, 2024.

## 2. Board-Designated Regional Councils

### A. 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.

(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).

## 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 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/inlin e-files/20230522-Maine-EMS-Vision-and-Plan.pdf>;
- (7) Investment in capital expenditures not to exceed \$100,000.00 in the aggregate;
- (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.
- (c) 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.

and

- (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.

**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 Ambulance Service or Non-Transporting 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 or Non-Transporting 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 \$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:

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.).

## 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

578 compliance with the requirements, programmatic criteria, and to screen for  
579 identifiable unauthorized uses of the funding.

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581 2. **Process.** Each panel member shall review each application separately and  
582 determine if the proposed programming and budget align with the previous  
583 section.

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585 A. If a single member of the panel, following their review, believes that  
586 an application is out of compliance with any component of Section  
587 seven (7) of this rule, all members of the evaluation panel shall meet to  
588 discuss.

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590 B. If it is determined by a majority of the evaluation panel that the  
591 application is or may be out of compliance with one or more of the  
592 components outlined in Section seven (7) of this rule, they may take  
593 any, or all, of the following actions:

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595 (1) Request additional information from the applicant.

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

600  
601 C. If, following these actions, the majority of the evaluation panel  
602 determines that all or part of the application remains out of  
603 compliance, they may deny all or part of the proposed programming  
604 and its associated budget line. This denial is considered Final Agency  
605 Action, appealable to the Superior Court in accordance with the Maine  
606 Administrative Procedure Act, 5 M.R.S. Ch. 375 Subchapter VII.

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

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614 **SECTION 9. REPORTING**

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616 1. **Requirements.**

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618 A. The Director shall define the reporting requirements for this funding  
619 opportunity and incorporate them into the funding agreements with  
620 qualified applications.

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- 622 B. Recipients of funds must track expenditures, detail their purpose, and
- 623 provide evidence of the impact of the funding on the sustainability of
- 624 their Service, Maine-licensed Training Center, Board-Designated
- 625 Regional Council, Region, and/or the Maine EMS System.
- 626

627 2. **Reporting Frequency.**

- 628 A. The minimum frequency of a report shall be at least quarterly, with an
- 629 annual update. The frequency of reporting required shall be defined in
- 630 the funding agreement.
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632 **SECTION 10. DISPENSING FUNDS**

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- 634 1. After review, the Director shall enter into an agreement with each qualified
- 635 applicant for the amount awarded.
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- 637 2. **Delegation.** The Board delegates authority to the Director to enter into
- 638 agreements with qualified applicants for the disbursement of sustainability funds
- 639 in amounts totaling no more than \$900,000.00 for any eligible EMS entity.
- 640 Following approval of an application by the evaluation panel, the Director may
- 641 enter into the agreement without any additional authorization from the Board.
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644 STATUTORY AUTHORITY: 32 M.R.S. §84(1)(A), 32 M.R.S. §98(4)

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