

1 **16 DEPARTMENT OF PUBLIC SAFETY**
2 **163 EMERGENCY MEDICAL SERVICES BOARD (MAINE EMS)**
3 **Chapter 27: IMPLEMENTATION OF EMS SUSTAINABILITY PROGRAM**
4

5 **SECTION 1. PURPOSE**
6

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.
14

15 **SECTION 2. DEFINITIONS**
16

- 17 1. “Eligible emergency medical services entity” or “eligible EMS entity” has the
18 same meaning as 32 M.R.S. § 98(B).
19

20 **SECTION 3. APPLICATIONS**
21

22 1. **Eligibility**
23

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.
28

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

41 intend to continue to provide EMS licensure courses to
42 students.

43
44 (4) If the applicant is a regional council, the applicant must be
45 in compliance with Chapter 15 of these Rules.
46

47
48 **2. Announcement of Funding Opportunity**

49
50 **A. Application Period**

51
52 **(1) Initial Application Period**

53
54 (a) The Application Period will open 5 days after
55 the publication of the Announcement of
56 Funding Opportunity.

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

60
61 (c) At the discretion of the Board, the initial
62 application period may be extended by
63 additional 60-day period(s).
64

65 **(2) Subsequent Application Period(s).**

66
67 (a) No more than 45 days after the final
68 disbursement of awards has been made for
69 applications received during the Initial
70 Application Period, a Subsequent Application
71 Period may open, during which remaining funds
72 shall be reallocated in accordance with this rule
73 for which eligible entities may apply. This will
74 continue until all funds allocated have been
75 disbursed.
76

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

79
80 **C. All applications for funding must comply with this rule, all**
81 **instructions provided in the Announcement of Funding Opportunity,**

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

84
85 **SECTION 4. FUNDING POOL**

86
87 1. The total amount of funds available for award during the initial application period
88 is \$10,808,000.00 for Ambulance Services and Non-Transporting Services.

89
90 A. The total amount for Ambulance Services during the initial application
91 period is \$7,515,600.00.

92
93 B. The total amount for Non-Transporting Services is \$3,292,400.00.

94
95 2. The total amount of funds available for award during the initial application period
96 is \$7,500,000.00 for Maine EMS-licensed Training Centers.

97
98 3. The total amount of funds available for award during the initial application period
99 is \$1,000,000.00 for Board-Designated Regional Councils.

100
101 4. **Unawarded Funds.** This section is to be utilized in subsequent application
102 periods.

103
104 A. Subsequent application periods are open to eligible Ambulance
105 Services and Non-Transporting Services who were not awarded their
106 maximum allocated amount, and to Maine EMS-licensed Training
107 Centers and Board-Designated Regional Councils.

108
109 B. Subsequent application period(s) may be offered if there are funds not
110 otherwise awarded after the closure of the initial application period.
111 The unawarded funds will be pooled, and redistributed with eighty-
112 percent (80%) of the pooled funds available to be reallocated to
113 Ambulance Services and Non-Transporting Services, not to be
114 awarded in excess of an entity's maximum allocation amount, until
115 there are no eligible Ambulance Services and Non-Transporting
116 Services that can receive funds. The remaining twenty percent (20%)
117 of those funds will be available to be reallocated to Maine EMS-
118 licensed Training Centers and Board-Designated Regional Councils.

119
120 C. When there are no eligible Ambulance Services and Non-Transporting
121 Services that can be awarded funds, the remaining funds are
122 reallocated to Maine EMS-licensed Training Centers and Board-
123 Designated Regional Councils.
124

125 D. Funds reallocated to Maine EMS-licensed Training Centers and
126 Board-Designated Regional Councils may be allocated in a similar
127 fashion to the initial award, as determined by the Director.
128

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

131
132 **1. Maximum and Minimum Allocations**

133
134 A. Ambulance Services

135
136 (1) Minimum allocation shall be no less than \$15,000.00 per
137 qualified applicant who functions as an Ambulance
138 Service.

139
140 (2) Maximum allocation shall not exceed \$200,000.00 per
141 qualified applicant who functions as an Ambulance
142 Service.

143
144 B. Non-Transporting EMS Services

145
146 (1) Minimum allocation shall be no less than \$5,000.00 per
147 qualified applicant who functions as a Non-Transporting
148 Emergency Medical Service.

149
150 (2) Maximum allocation shall not exceed \$50,000.00 per
151 qualified applicant who functions as a Non-Transporting
152 Emergency Medical Service.

153
154 **2. Allocation Algorithm.** The Director shall use the following algorithm to
155 determine the allocation for each qualified applicant:

156
157 A. Components

158
159 (1) Rurality Score by Zip Code

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

168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209

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)

210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252

(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 eligible EMS Services.

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

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

253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295

(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).

C. Allocation Process

(1) The Director shall identify all eligible 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.
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

296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338

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.

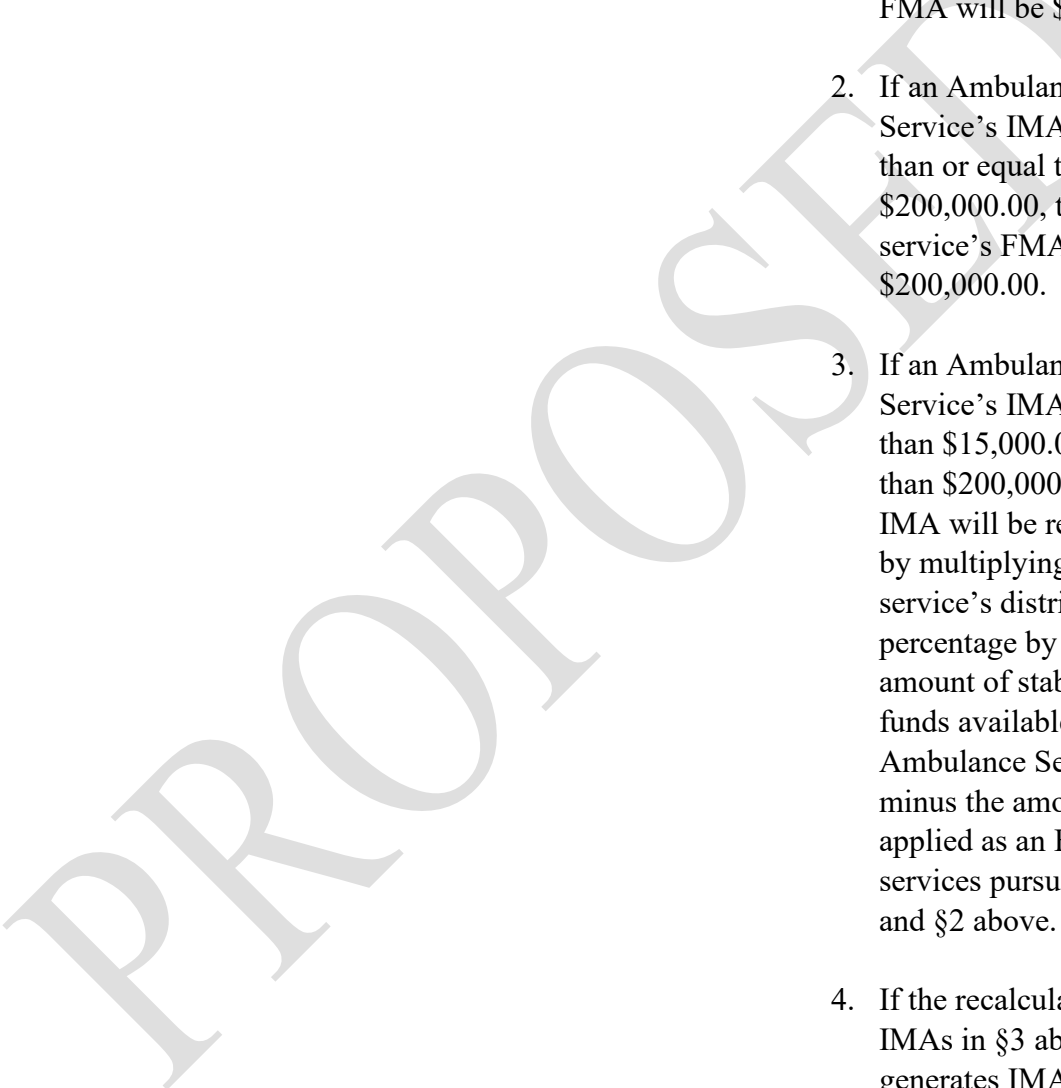
(b) Ambulance Services EMS Services

(i) Initial maximum allocations or "IMAs" for all Ambulance Services eligible EMS services will be calculated by multiplying the services distribution percentage by

339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380

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



381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419

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					
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

420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449

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.

- 450 B. Be completed in accordance with this rule and any guidance provided
451 by the Director through the Announcement of Funding Opportunity
452 and within the application.
453
- 454 C. Include, attached, a project plan that meets the standards for the use of
455 funding; those standards, which describe the only activities for which
456 funds may be used, are:
457
- 458 (1) The initiation or support of programs, applications, or the
459 use of consultants or experts to establish or support an
460 ongoing mental health and wellness program;
 - 461
 - 462 (2) The consolidation and/or regionalization of the delivery of
463 emergency medical services;
 - 464
 - 465 (3) Inter-municipality EMS planning for rural patient transport;
466
 - 467 (4) Supporting training directly related to the provision of
468 clinical care, safety, leadership, or management of EMS;
469
 - 470 (5) Supplementing wages, benefits, stipends, and incentives for
471 EMS clinicians, Ambulance Operators, and/or
472 administrative support staff (e.g. service-level medical
473 director, quality assurance and improvement officer,
474 infection control officer, training officer, and administrative
475 aide);
476
 - 477 (6) Implementation of other programming directly related to
478 the Maine EMS Plan for a Sustainable EMS System in the
479 State of Maine: A Vision for 2035, as published on May
480 22, 2023, which is incorporated into this rule by reference
481 and available for download online:
482 [https://www.maine.gov/ems/sites/maine.gov/ems/files/inlin
484 e-files/20230522-Maine-EMS-Vision-and-Plan.pdf](https://www.maine.gov/ems/sites/maine.gov/ems/files/inlin
483 e-files/20230522-Maine-EMS-Vision-and-Plan.pdf);
 - 485 (7) Investment in capital expenditures not to exceed
486 \$100,000.00 in the aggregate; and
487
 - 488 (8) Board-Licensed Training Centers Only:
489
 - 490 (a) Support the hiring of qualified and credentialed
491 instructors to adequately cover course

492 administration and demand for delivery over the
493 three year grant period.

494
495 (b) Supplement the cost(s) of program
496 administration and maintenance over the three
497 year grant period.

498
499 (c) Increase licensure classes offered over the three-
500 year grant period

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

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

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

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

512
513
514 (9) If the applicant is a Board-Designated Regional Council,
515 the application must contain an agreement that \$150,000.00
516 of the allocated amount shall be used to provide Regional
517 Medical Director and Associate Regional Medical Director
518 services for at minimum of a three (3) year period
519 following the disbursement of funds.

520
521 **2. Programmatic Criteria for Evaluating Applications.** An application that meets
522 the requirements of §1 must be evaluated based on the following programmatic
523 criteria:

524
525 A. Based on the proposed programming, whether it aligns with the
526 activities authorized in §1 above and whether the action will likely
527 result in increasing the sustainability of local EMS entities, regional
528 EMS entities, or the Maine EMS system's sustainability.

529
530 B. If supplementing wages, ensure that EMS entities are not paying any
531 individual staff member more than \$76,500.00 annually with the
532 awarded funding. This is not inclusive of associated standard
533 employee benefits.

534

535 C. If an Ambulance Service or Non-Transporting EMS Service was
536 awarded funds under the Maine EMS Stabilization Program, the
537 Service is in compliance with the program contract for their agency.
538 Non-compliance with the Maine EMS Stabilization Program Contract
539 is grounds for application denial in addition to any penalties or
540 remedies provided for under Chapter 25 of these Rules and the
541 Service's Maine EMS Stabilization Program Contract.

542
543 D. If an Ambulance Service or Non-Transporting EMS Service, and if the
544 application is not an initial application, the amount sought does not
545 exceed the entity's FMA.

546
547 E. If making a capital expenditure, ensure that all capital expenditures
548 collectively do not exceed \$100,000.00 in total.

549
550 (1) Only purchases valued at \$5,000.00 or more are considered
551 capital expenditures for the purposes of this rule.

552
553 3. **Unauthorized Uses of Funds.** Applications shall also be reviewed for potential
554 unauthorized uses of funding. Applications may be denied should it be determined
555 that the applicant EMS entity intends to use the funding for unauthorized uses.
556 The following are unauthorized uses of the funding:

557
558 A. Expenses or losses reimbursed from any other source(s) or that other
559 sources are obligated to repay.

560
561 B. Expenses related to staffing needs exceeding an annual salary of
562 \$76,500.00, as prorated over the applicable period. This limit does not
563 include standard employee benefit offerings (i.e., the cost of a staff
564 member may be higher because the cost of benefits and salary exceeds
565 \$76,500.00.).

566
567 C. Construction, renovation, purchase, or acquisition costs for facilities.

568
569 D. Payment for existing indebtedness.

570
571 E. Payment on obligations incurred prior to the award of funds.

572
573 F. Supplanting existing local subsidies or funding sources except if they
574 replace volunteer labor, donated services, donated goods, or funds
575 raised through community fundraising efforts (e.g., bake sales,
576 dinners, etc.).

577

578 **SECTION 8. EVALUATION OF APPLICATIONS**

579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620

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

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

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

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

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

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

SECTION 9. REPORTING

1. **Requirements.**

621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646

647
648
649

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.

2. **Reporting Frequency.**

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.

SECTION 10. DISPENSING FUNDS

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

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

EFFECTIVE: TBD