

IN THE SENATE

SENATE BILL NO. 1416

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO EMERGENCY MEDICAL SERVICES; PROVIDING LEGISLATIVE INTENT;
2 AMENDING SECTION 46-1006, IDAHO CODE, TO ESTABLISH PROVISIONS REGARD-
3 ING THE POWERS AND DUTIES OF THE CHIEF AND OFFICE OF EMERGENCY MAN-
4 AGEMENT AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 56-1003,
5 IDAHO CODE, TO REMOVE PROVISIONS REGARDING POWERS OF THE DIRECTOR OF
6 THE DEPARTMENT OF HEALTH AND WELFARE AND TO MAKE TECHNICAL CORRECTIONS;
7 AMENDING SECTION 56-1011, IDAHO CODE, TO PROVIDE THAT THE DELIVERY OF
8 EMERGENCY MEDICAL SERVICES IS AN ESSENTIAL SERVICE; REPEALING SEC-
9 TION 56-1011, IDAHO CODE, RELATING TO EMERGENCY MEDICAL SERVICES AND
10 A STATEMENT OF INTENT; AMENDING CHAPTER 10, TITLE 46, IDAHO CODE, BY
11 THE ADDITION OF A NEW SECTION 46-1028, IDAHO CODE, TO ESTABLISH PROVI-
12 SIONS REGARDING EMERGENCY MEDICAL SERVICES AND A STATEMENT OF INTENT;
13 AMENDING SECTION 56-1012, IDAHO CODE, TO REDESIGNATE THE SECTION, TO
14 REVISE DEFINITIONS, TO DEFINE A TERM, AND TO PROVIDE CORRECT CODE REF-
15 ERENCES; AMENDING CHAPTER 10, TITLE 46, IDAHO CODE, BY THE ADDITION OF A
16 NEW SECTION 46-1030, IDAHO CODE, TO PROVIDE FOR COUNTY ACCOUNTABILITY;
17 AMENDING SECTION 56-1013, IDAHO CODE, TO REDESIGNATE THE SECTION AND
18 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 56-1013A, IDAHO CODE,
19 TO REDESIGNATE THE SECTION, TO REVISE PROVISIONS REGARDING THE PHYSI-
20 CIAN COMMISSION, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION
21 56-1013B, IDAHO CODE, TO REDESIGNATE THE SECTION, TO PROVIDE CORRECT
22 CODE REFERENCES, AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION
23 56-1013C, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO MAKE TECHNICAL
24 CORRECTIONS; AMENDING SECTION 56-1013D, IDAHO CODE, TO REDESIGNATE THE
25 SECTION, TO PROVIDE A CORRECT CODE REFERENCE, AND TO MAKE TECHNICAL
26 CORRECTIONS; AMENDING SECTION 56-1013E, IDAHO CODE, TO REDESIGNATE
27 THE SECTION; AMENDING SECTION 56-1013F, IDAHO CODE, TO REDESIGNATE THE
28 SECTION, TO PROVIDE A CORRECT CODE REFERENCE, AND TO MAKE TECHNICAL
29 CORRECTIONS; AMENDING SECTION 56-1013G, IDAHO CODE, TO REDESIGNATE
30 THE SECTION; AMENDING SECTION 56-1013H, IDAHO CODE, TO REDESIGNATE THE
31 SECTION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 56-1013I,
32 IDAHO CODE, TO REDESIGNATE THE SECTION, TO PROVIDE A CORRECT CODE REF-
33 ERENCE, AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 56-1013J,
34 IDAHO CODE, TO REDESIGNATE THE SECTION AND TO MAKE A TECHNICAL CORREC-
35 TION; AMENDING SECTION 56-1013K, IDAHO CODE, TO REDESIGNATE THE SECTION
36 AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 56-1013L, IDAHO
37 CODE, TO REDESIGNATE THE SECTION, TO PROVIDE A CORRECT CODE REFERENCE,
38 AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 56-1013M, IDAHO
39 CODE, TO REDESIGNATE THE SECTION AND TO MAKE TECHNICAL CORRECTIONS;
40 AMENDING SECTION 56-1013N, IDAHO CODE, TO REDESIGNATE THE SECTION AND
41 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 56-1013O, IDAHO CODE,
42 TO REDESIGNATE THE SECTION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING
43 SECTION 56-1013P, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SEC-
44 TION 56-1013Q, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION

1 56-1014, IDAHO CODE, TO REDESIGNATE THE SECTION, TO PROVIDE CORRECT
2 CODE REFERENCES, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION
3 56-1015, IDAHO CODE, TO REDESIGNATE THE SECTION, TO PROVIDE CORRECT
4 CODE REFERENCES, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION
5 56-1016, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE PROVISIONS
6 REGARDING AGENCY MINIMUM STANDARDS, AND TO MAKE TECHNICAL CORRECTIONS;
7 AMENDING SECTION 56-1018, IDAHO CODE, TO REDESIGNATE THE SECTION AND
8 TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 56-1018A, IDAHO CODE,
9 TO REDESIGNATE THE SECTION; AMENDING SECTION 56-1018B, IDAHO CODE, TO
10 REDESIGNATE THE SECTION, TO REVISE PROVISIONS REGARDING THE EMERGENCY
11 MEDICAL SERVICES FUND III, AND TO MAKE A TECHNICAL CORRECTION; AMEND-
12 ING CHAPTER 10, TITLE 46, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
13 46-1040, IDAHO CODE, TO ESTABLISH THE EMERGENCY MEDICAL SERVICES SUS-
14 TAINABILITY FUND; AMENDING SECTION 56-1020, IDAHO CODE, TO REDESIGNATE
15 THE SECTION AND TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION
16 56-1021, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO PROVIDE CORRECT
17 CODE REFERENCES; AMENDING SECTION 56-1022, IDAHO CODE, TO REDESIGNATE
18 THE SECTION, TO REVISE PROVISIONS REGARDING PERSONNEL AND AGENCIES LI-
19 CENSURE ACTIONS, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION
20 56-1023, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE PROVISIONS
21 REGARDING RULES, AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION
22 56-1024, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO MAKE A TECHNICAL
23 CORRECTION; AMENDING SECTION 56-1025, IDAHO CODE, TO REDESIGNATE
24 THE SECTION AND TO REVISE DEFINITIONS; AMENDING SECTION 56-1026, IDAHO
25 CODE, TO REDESIGNATE THE SECTION AND TO PROVIDE FOR THE OFFICE OF EMER-
26 GENCY MANAGEMENT; AMENDING SECTION 56-1027, IDAHO CODE, TO REDESIGNATE
27 THE SECTION AND TO REVISE A PROVISION REGARDING COUNCIL APPOINTMENT;
28 AMENDING SECTION 56-1028, IDAHO CODE, TO REDESIGNATE THE SECTION AND
29 TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 56-1029, IDAHO CODE,
30 TO REDESIGNATE THE SECTION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING
31 SECTION 56-1030, IDAHO CODE, TO REDESIGNATE THE SECTION, TO PROVIDE A
32 CORRECT CODE REFERENCE, AND TO MAKE A TECHNICAL CORRECTION; AMENDING
33 SECTION 57-2001, IDAHO CODE, TO PROVIDE FOR THE TSE COUNCIL; AMENDING
34 SECTION 57-2002, IDAHO CODE, TO REVISE A DEFINITION, TO REMOVE A DEFINI-
35 TION, AND TO MAKE TECHNICAL CORRECTIONS ; AMENDING SECTION 57-2003,
36 IDAHO CODE, TO PROVIDE FOR THE EMS BUREAU AND TO MAKE A TECHNICAL COR-
37 RECTION; AMENDING SECTION 57-2004, IDAHO CODE, TO PROVIDE FOR THE EMS
38 BUREAU AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 57-2005,
39 IDAHO CODE, TO PROVIDE FOR THE OFFICE OF EMERGENCY MANAGEMENT AND TO
40 MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 57-2006, IDAHO CODE, TO
41 PROVIDE FOR THE EMS BUREAU AND TO MAKE A TECHNICAL CORRECTION; AMENDING
42 SECTION 6-902A, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND
43 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 9-203, IDAHO CODE, TO
44 REVISE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SEC-
45 TION 31-3908, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES AND TO
46 MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-4302, IDAHO CODE, TO
47 REVISE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION
48 39-1392a, IDAHO CODE, TO REVISE DEFINITIONS AND TO MAKE TECHNICAL COR-
49 RECTIONS; AMENDING SECTION 39-4703, IDAHO CODE, TO PROVIDE A CORRECT
50 CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION

1 49-306, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES AND TO MAKE TECH-
2 NICAL CORRECTIONS; AMENDING SECTION 49-452, IDAHO CODE, TO PROVIDE A
3 CORRECT CODE REFERENCE; AMENDING SECTION 67-8806, IDAHO CODE, TO REVISE
4 A DEFINITION; AMENDING SECTION 72-451, IDAHO CODE, TO PROVIDE CORRECT
5 CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN
6 EMERGENCY AND PROVIDING EFFECTIVE DATES.

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. LEGISLATIVE INTENT. The Legislature finds that:

9 (1) Relocating the emergency medical services (EMS) bureau to the of-
10 fice of emergency management emphasizes the importance of EMS and the strong
11 connection between EMS and emergency management at the state and local lev-
12 els;

13 (2) The directors of the department of health and welfare and the office
14 of emergency management shall coordinate the transfer of the EMS bureau from
15 the department of health and welfare to the office of emergency management as
16 described in this act;

17 (3) All existing programs of the EMS bureau except the public health
18 preparedness and response program shall be transferred to the office of
19 emergency management as described in this act, effective July 1, 2025;

20 (4) All existing, but no new, rights, powers, duties, budgets, funds,
21 contracts, rulemaking proceedings, administrative proceedings, contested
22 cases, civil actions, and other matters relating to EMS described in this
23 act, currently vested with the director of the department of health and
24 welfare and the board of the department of health and welfare, shall be
25 transferred to the office of emergency management as described in this act
26 no later than July 1, 2025; and

27 (5) The office of emergency management shall prepare and submit a bud-
28 get request for EMS, the state communications centers, and time sensitive
29 emergency program functions for fiscal year 2026.

30 SECTION 2. That Section 46-1006, Idaho Code, be, and the same is hereby
31 amended to read as follows:

32 46-1006. POWERS AND DUTIES OF CHIEF AND OFFICE. (1) In all matters of
33 disaster services, the adjutant general shall represent the governor and
34 shall, on behalf of the governor, coordinate the activities of all of the
35 state agencies in disaster services. The office shall have a coordinating
36 officer and other professional, technical, secretarial and clerical employ-
37 ees necessary for the performance of its functions.

38 (2) The office shall prepare, maintain and update a state disaster plan
39 based on the principle of self-help at each level of government. The plan may
40 provide for:

41 (a) Prevention and minimization of injury and damage caused by disas-
42 ter;

43 (b) Prompt and effective response to disaster;

44 (c) Emergency relief;

45 (d) Identification of areas particularly vulnerable to disasters;

46 (e) Assistance to local officials in designing local emergency action
47 plans;

1 (f) Authorization and procedures for the erection or other construc-
2 tion of temporary works designed to protect against or mitigate danger,
3 damage, or loss from disaster;

4 (g) Preparation and distribution ~~to the appropriate state and local of-~~
5 ~~ficials~~ of catalogs of federal, state and private assistance programs
6 to the appropriate state and local officials;

7 (h) Assistance to local officials in designing plans for search, res-
8 cue, and recovery of persons lost, entrapped, victimized, or threatened
9 by disaster;

10 (i) Organization of manpower and chains of command;

11 (j) Coordination of federal, state, and local disaster activities; and

12 (k) Coordination of the state disaster plan with the disaster plans of
13 the federal government.

14 (3) The office shall participate in the development and revision of lo-
15 cal and intergovernmental disaster plans. To this end, it may employ or oth-
16 erwise secure the services of professional and technical personnel to pro-
17 vide expert assistance to political subdivisions, their disaster agencies,
18 and intergovernmental planning and disaster agencies. This personnel shall
19 consult with subdivisions and agencies and shall make field examinations of
20 the areas, circumstances, and conditions to which particular local and in-
21 tergovernmental disaster plans are intended to apply.

22 (4) In preparing and maintaining the state disaster plan, the office
23 shall seek the advice and assistance of local government, business, labor,
24 industry, agriculture, civic, and volunteer organizations and community
25 leaders. In advising local and intergovernmental agencies, the office shall
26 encourage them also to seek advice from these sources.

27 (5) The state disaster plan or any part thereof may be incorporated in
28 rules of the office promulgated subject to chapter 52, title 67, Idaho Code.

29 (6) The office shall:

30 (a) Promulgate standards and criteria for local and intergovernmental
31 disaster plans;

32 (b) Periodically review local and intergovernmental disaster plans;

33 (c) Assist political subdivisions, their disaster agencies, and inter-
34 governmental disaster agencies to establish and operate training pro-
35 grams and programs of public information;

36 (d) Plan and make arrangements for the availability and use of any
37 private facilities, services, and property and, if necessary and if in
38 fact used, provide for payment for use under terms and conditions agreed
39 upon;

40 (e) Prepare executive orders and proclamations for issuance by the gov-
41 ernor, as necessary or appropriate in coping with disasters;

42 (f) Cooperate with the federal government and any public or private
43 agency or entity in achieving any purpose of this act and in imple-
44 menting programs for disaster prevention, preparation, response, and
45 recovery;

46 (g) Maintain a register of search and rescue organizations, units,
47 teams, or individuals operating within the state;

48 (h) Assist search and rescue units to accomplish standards for equip-
49 ment, training and proficiency;

1 (i) Coordinate search and rescue of lost aircraft and airmen pursuant
 2 to section 21-114, Idaho Code, with aerial search operations coordi-
 3 nated by the Idaho transportation department, division of aeronautics;

4 (j) In addition to disaster prevention measures as included in the
 5 state, local, and intergovernmental disaster plans, ~~the office shall~~
 6 consider on a continuing basis steps that could be taken to prevent or
 7 reduce the harmful consequences of disasters. The governor from time
 8 to time may make recommendations to the legislature, local governments
 9 and other appropriate public and private entities as may facilitate
 10 measures for prevention or reduction of the harmful consequences of
 11 disasters; and

12 (k) Not limit the powers and duties of the department of transporta-
 13 tion, division of aeronautics, as provided by sections 21-114 and
 14 21-118, Idaho Code-;

15 (l) Supervise and administer an emergency medical services program,
 16 including but not limited to assisting other governmental agencies and
 17 local governmental units in providing first aid emergency medical ser-
 18 vices and providing transportation of the sick and injured;

19 (m) Promulgate rules regarding administration of emergency medical
 20 services and licensure and certification requirements pertinent to
 21 emergency medical services, subject to legislative approval. Such
 22 rules may be of general application across the state or may be limited in
 23 time, place, and circumstance as needed; and

24 (n) Issue emergency medical services certifications, licenses, and
 25 permits.

26 SECTION 3. That Section 56-1003, Idaho Code, be, and the same is hereby
 27 amended to read as follows:

28 56-1003. POWERS AND DUTIES OF THE DIRECTOR. The director shall have
 29 the following powers and duties:

30 (1) All of the powers and duties of the department of public health,
 31 the department of health, and the board of health and all nonenvironmental
 32 protection duties of the department of health and welfare are hereby vested
 33 to the director of the department of health and welfare. However, oversight
 34 of the department and rulemaking and hearing functions relating to public
 35 health and licensure and certification standards shall be vested in the
 36 board of health and welfare. Except when the authority is vested in the board
 37 of health and welfare under law, the director shall have all such powers and
 38 duties as may have been or could have been exercised by his predecessors in
 39 law, including the authority to adopt, promulgate, and enforce rules, and
 40 shall be the successor in law to all contractual obligations entered into by
 41 predecessors in law. All rulemaking proceedings and hearings of the direc-
 42 tor shall be governed by the provisions of chapter 52, title 67, Idaho Code.

43 (2) The director shall, pursuant and subject to the provisions of Idaho
 44 Code and this chapter, promulgate and recommend to the board rules to admin-
 45 ister statutes related to health and licensure and certification require-
 46 ments pertinent to health. Such rules may be of general application across
 47 the state or may be limited in time, place, and circumstance as needed to ad-
 48 dress problems.

1 (3) The director, under rules adopted by the board, shall have general
 2 supervision of the health and welfare of the people of this state. The powers
 3 and duties of the director shall include but are not limited to the follow-
 4 ing:

5 (a) The education of the people of this state using guidelines and rec-
 6 ommendations for issues of health, safety, mental health, and wellness;

7 (b) The issuance of licenses and permits as prescribed by law and by the
 8 rules of the board;

9 (c) The supervision and administration of laboratories and the super-
 10 vision and administration of standards of tests for environmental pol-
 11 lution, chemical analyses and communicable diseases. The director may
 12 require that laboratories operated by any city, county, institution,
 13 person, firm or corporation for health or environmental purposes con-
 14 form to standards set by the board of health and welfare and the board of
 15 environmental quality in rule;

16 (d) The supervision and administration of a mental health program,
 17 which shall include services for the evaluation, screening, custody and
 18 treatment of the mentally ill and those persons suffering from a mental
 19 defect or mental defects, and services for the prevention of suicide;

20 (e) The enforcement of minimum standards of health, safety, and sani-
 21 tation for all public swimming pools within the state as established in
 22 rule of the board;

23 (f) The supervision and administration of the various schools, hos-
 24 pitals, and institutions that were the responsibility of the board of
 25 health and welfare;

26 (g) The supervision and administration of services dealing with sub-
 27 stance abuse, including but not limited to treatment and rehabilita-
 28 tion;

29 (h) Communication and cooperation with other governmental depart-
 30 ments, agencies and boards in order to effectively assist with the
 31 planning for the control of or abatement of health problems. All of the
 32 rules adopted by the board shall apply to state institutions;

33 ~~(i) The supervision and administration of an emergency medical ser-~~
 34 ~~vice program, including but not limited to assisting other governmen-~~
 35 ~~tal agencies and local governmental units, in providing first aid emer-~~
 36 ~~gency medical services and for transportation of the sick and injured;~~

37 ~~(j) (i)~~ The supervision of administrative units whose responsibility
 38 shall be to assist and encourage counties, cities, other governmental
 39 units, and industries in the control of and/or abatement of health prob-
 40 lems; and

41 ~~(k) (j)~~ The enforcement of all laws and rules relating to health.

42 (4) The director, when so designated by the governor, and any other time
 43 subject to the standard appropriations and approval process of the legisla-
 44 ture, shall have the power to apply for, receive on behalf of the state, and
 45 utilize any federal aid, grants, gifts, or moneys made available through the
 46 federal government.

47 (5) The director shall have the power to enter into and make contracts
 48 and agreements with any public agencies or municipal corporations for the
 49 use of facilities, land, and equipment when such use will have a beneficial,
 50 recreational, or therapeutic effect or be in the best interest in carrying

1 out the duties imposed upon the department. The director shall also have the
2 power to enter into contracts for the expenditure of state matching funds for
3 local purposes. This subsection will constitute the authority for public
4 agencies or municipal corporations to enter into such contracts and expend
5 money for the purposes delineated in such contracts.

6 (6) The director is authorized to adopt an official seal to be used on
7 appropriate occasions, in connection with the functions of the department or
8 the board, and such seal shall be judicially noticed. Copies of any books,
9 records, papers and other documents in the department shall be admitted in
10 evidence equally with the originals thereof when authenticated under such
11 seal.

12 (7) The director, under rules adopted by the board of health and welfare
13 and approved by the legislature pursuant to section 67-5291, Idaho Code,
14 and section 29, article III of the constitution of the state of Idaho, shall
15 have the power to impose and enforce orders of isolation, quarantine, or
16 restricted access to protect the public from the spread of infectious or
17 communicable diseases or from contamination from chemical, nuclear, or bi-
18 ological agents, whether naturally occurring or propagated by criminal or
19 terrorist act.

20 (a) An order of isolation may be issued only for a person diagnosed with
21 an infectious or a communicable disease, presenting medically unknown
22 symptoms, or contaminated from a chemical, nuclear, or biological agent
23 and only while a person is infectious, displaying unknown symptoms, or
24 contaminated.

25 (b) An order of quarantine may be issued only for a person exposed to:

26 (i) An infectious or a communicable disease;

27 (ii) A person displaying medically unknown symptoms; or

28 (iii) Contamination from a chemical, nuclear, or biological
29 agent;

30 under circumstances likely to result in the spread of the disease, symp-
31 toms, or contaminant to the person who had such contact and only for a
32 reasonable period of time sufficient to determine whether the exposed
33 person will become sick.

34 (c) If the director has reasonable cause to believe a chemical, nu-
35 clear, or biological agent has been released in an identifiable place,
36 including a building or structure, the director may impose an order of
37 restricted access into or out of that place for the purpose of determin-
38 ing whether that place has been contaminated with a chemical, nuclear,
39 or biological agent that may create a substantial and immediate danger
40 to the public. An order of restricted access shall be effective only
41 until such time as the contamination has been remediated and the area
42 of restricted access has been determined to no longer pose an immediate
43 health risk.

44 (d) An order of isolation, quarantine, or restricted access issued pur-
45 suant to this section shall not be subject to the Idaho administrative
46 procedure act, chapter 52, title 67, Idaho Code, but shall be subject to
47 judicial review as a final agency order. However, this shall not pre-
48 vent the director from reconsidering, amending, or withdrawing the or-
49 der. Judicial review of orders of isolation, quarantine, or restricted
50 access shall be de novo. The court may affirm, reverse, or modify the

1 order and shall affirm the order if the director shows by clear and con-
 2 vincing evidence that the order is reasonably necessary to protect the
 3 public from a substantial and immediate danger of the spread of an in-
 4 fectious or communicable disease or from contamination by a chemical,
 5 nuclear, or biological agent. A hearing on a request for review pur-
 6 suant to this paragraph shall be held as soon as practicable but no later
 7 than three (3) business days after the request is made. Notice of the
 8 request for review to the court must be provided to the director. The
 9 court may order the person who is the subject of or affected by the or-
 10 der of isolation, quarantine, or restricted access to appear remotely
 11 via technology approved by the Idaho supreme court. Upon conclusion of
 12 a hearing described in this subsection, the court conducting judicial
 13 review shall issue an order:

14 (i) Affirming or modifying the order of isolation, quarantine, or
 15 restricted access; or

16 (ii) Reversing the order and releasing an individual who is the
 17 subject of or affected by such order.

18 (e) Any person who violates an order of isolation, quarantine, or re-
 19 stricted access shall be guilty of a misdemeanor.

20 (8) The director shall develop safeguards necessary to ensure the se-
 21 curity of nonpublic personal information in the department's possession and
 22 to prevent undue disclosure of such information. The director shall estab-
 23 lish a process to authenticate requests made by a person, entity or jurisdic-
 24 tion arising under the 2007 Hague convention on the international recovery
 25 of child support and other forms of family maintenance. In the event the de-
 26 partment becomes aware of any improper disclosure, the director shall take
 27 all actions required under section 28-51-105, Idaho Code.

28 SECTION 4. That Section 56-1011, Idaho Code, be, and the same is hereby
 29 amended to read as follows:

30 56-1011. EMERGENCY MEDICAL SERVICES -- STATEMENT OF INTENT. It is the
 31 purpose of the legislature of the state of Idaho in the adoption of sections
 32 56-1011 through 56-1023, Idaho Code, to recognize ~~the importance of the de-~~
 33 ~~livery of emergency medical services as an essential service~~ and to provide
 34 reasonable regulation of the same. For this purpose, the provisions of sec-
 35 tion 54-1804, Idaho Code, shall not be so construed as to prohibit or pe-
 36 nalize emergency medical services rendered by a person authorized to render
 37 emergency medical services by sections 56-1011 through 56-1023, Idaho Code,
 38 if such emergency medical service is rendered under the responsible supervi-
 39 sion and control of a licensed physician.

40 SECTION 5. That Section 56-1011, Idaho Code, be, and the same is hereby
 41 repealed.

42 SECTION 6. That Chapter 10, Title 46, Idaho Code, be, and the same is
 43 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 44 ignated as Section 46-1028, Idaho Code, and to read as follows:

45 46-1028. EMERGENCY MEDICAL SERVICES -- STATEMENT OF INTENT. It is the
 46 purpose of the legislature of the state of Idaho in the adoption of sections

1 46-1028 through 46-1044, Idaho Code, to recognize the delivery of emergency
 2 medical services as an essential service and to provide reasonable regula-
 3 tion of the same. For this purpose, the provisions of section 54-1804, Idaho
 4 Code, shall not be so construed as to prohibit or penalize emergency med-
 5 ical services rendered by a person authorized to render emergency medical
 6 services pursuant to sections 46-1028 through 46-1044, Idaho Code, if such
 7 emergency medical services are rendered under the responsible supervision
 8 and control of a licensed physician.

9 SECTION 7. That Section 56-1012, Idaho Code, be, and the same is hereby
 10 amended to read as follows:

11 ~~56-1012~~ 46-1029. DEFINITIONS. As used in sections ~~56-1011~~ 46-1028
 12 through ~~56-1023~~ 46-1044, Idaho Code:

13 (1) "Advanced emergency medical technician" means a person who has met
 14 the qualifications for licensure as set forth in sections ~~56-1011~~ 46-1028
 15 through ~~56-1023~~ 46-1044, Idaho Code, is licensed by the EMS bureau under sec-
 16 tions ~~56-1011~~ 46-1028 through ~~56-1023~~ 46-1044, Idaho Code, carries out the
 17 practice of emergency care within the scope of practice determined by the
 18 commission and practices under the supervision of an Idaho licensed physi-
 19 cian.

20 (2) "Agency" means any organization licensed by the EMS bureau that op-
 21 erates an air medical service, ambulance service or nontransport service.

22 (3) "Air ambulance" means any privately or publicly owned fixed wing
 23 aircraft or rotary wing aircraft used for, or intended to be used for, the
 24 transportation of persons experiencing physiological or psychological ill-
 25 ness or injury who may need medical attention during transport. This may
 26 include dual or multipurpose vehicles which otherwise comply with sections
 27 ~~56-1011~~ 46-1028 through ~~56-1023~~ 46-1044, Idaho Code, and specifications es-
 28 tablished by ~~board~~ EMS bureau rule.

29 (4) "Air medical service" means an agency licensed by the EMS bureau
 30 that responds to requests for patient care and transportation from hospitals
 31 and EMS agencies using a fixed wing aircraft or rotary wing aircraft.

32 (5) "Ambulance" means any privately or publicly owned motor vehicle
 33 or nautical vessel used for, or intended to be used for, the transportation
 34 of sick or injured persons who may need medical attention during transport.
 35 This may include dual or multipurpose vehicles which otherwise comply with
 36 sections ~~56-1011~~ 46-1028 through ~~56-1023~~ 46-1044, Idaho Code, and specifi-
 37 cations established by ~~board~~ EMS bureau rule.

38 (6) "Ambulance service" means an agency licensed by the EMS bureau op-
 39 erated with the intent to provide personnel and equipment for medical treat-
 40 ment at an emergency scene, during transportation or during transfer of per-
 41 sons experiencing physiological or psychological illness or injury who may
 42 need medical attention during transport.

43 (7) "Applicant" means any organization that is requesting an agency li-
 44 cense under this chapter and includes the following:

- 45 (a) An organization seeking a new license;
- 46 (b) An existing agency that intends to change the level of licensed per-
 47 sonnel it utilizes;
- 48 (c) An existing agency that intends to change its geographic coverage
 49 area, except by agency annexation;

1 (d) An existing nontransport service that intends to provide ambulance
2 service;

3 (e) An existing ambulance service that intends to discontinue trans-
4 port and become a nontransport service.

5 ~~(8) "Board" means the Idaho board of health and welfare.~~

6 ~~(9) (8) "Commission" means the Idaho emergency medical services physi-
7 cian commission.~~

8 ~~(10) (9) "Community emergency medical technician" or "community EMT"
9 means an emergency medical technician or advanced emergency medical tech-
10 nician with additional standardized training who works within a designated
11 community health emergency medical services program under local medical
12 control as part of a community-based team of health and social services
13 providers.~~

14 ~~(11) (10) "Community health emergency medical services" or "community
15 health EMS" means the evaluation, advice or treatment of an eligible recip-
16 ient outside of a hospital setting, which is specifically requested for the
17 purpose of preventing or improving a particular medical condition, and which
18 is provided by a licensed emergency medical services agency. Community
19 health EMS involving or related to emergency response must be provided by or
20 in coordination with the primary 911 response agency for that area.~~

21 ~~(12) (11) "Community paramedic" means a paramedic with additional stan-
22 dardized training who works within a designated community health emergency
23 medical services program under local medical control as part of a community-
24 based team of health and social services providers.~~

25 ~~(13) "Department" means the Idaho department of health and welfare.~~

26 ~~(14) (12) "Eligible recipient" means an individual eligible to receive
27 community health emergency medical services, as determined by rule of the
28 EMS bureau or a local community health emergency medical services program.~~

29 ~~(15) (13) "Emergency medical responder" means a person who has met
30 the qualifications for licensure as set forth in sections ~~56-1011~~ 46-1028
31 through ~~56-1023~~ 46-1044, Idaho Code, is licensed by the EMS bureau under
32 sections ~~56-1011~~ 46-1028 through ~~56-1023~~ 46-1044, Idaho Code, carries out
33 the practice of emergency care within the scope of practice determined by the
34 commission and practices under the supervision of an Idaho licensed physi-
35 cian.~~

36 ~~(16) (14) "Emergency medical services" or "EMS" means aid rendered by an
37 individual or group of individuals who do the following:~~

38 (a) Respond to a perceived need for medical care in order to prevent
39 loss of life or aggravation of physiological or psychological illness
40 or injury;

41 (b) Are prepared to provide interventions that are within the scope of
42 practice as defined by the commission;

43 (c) Use an alerting mechanism to initiate a response to requests for
44 medical care; and

45 (d) Offer, advertise or attempt to respond as described in paragraphs
46 (a) through (c) of this subsection.

47 ~~(17) (15) "EMS bureau" means the bureau of emergency medical services of
48 the ~~department~~ office.~~

49 ~~(18) (16) "Emergency medical technician" means a person who has met
50 the qualifications for licensure as set forth in sections ~~56-1011~~ 46-1028~~

1 through ~~56-1023~~ 46-1044, Idaho Code, is licensed by the EMS bureau under
 2 sections ~~56-1011~~ 46-1028 through ~~56-1023~~ 46-1044, Idaho Code, carries out
 3 the practice of emergency care within the scope of practice determined by the
 4 commission and practices under the supervision of an Idaho licensed physi-
 5 cian.

6 ~~(19)~~ (17) "Licensed personnel" means those individuals who are emer-
 7 gency medical responders, emergency medical technicians, advanced emer-
 8 gency medical technicians and paramedics.

9 ~~(20)~~ (18) "National emergency medical services information system
 10 technical assistance center" means an organization that validates software
 11 for compliance with the EMS data set defined by the United States department
 12 of transportation national highway traffic safety administration.

13 ~~(21)~~ (19) "Nontransport service" means an agency licensed by the EMS bu-
 14 reau, operated with the intent to provide personnel or equipment for medical
 15 stabilization at an emergency scene, but not intended to be the service that
 16 will actually transport sick or injured persons.

17 ~~(22)~~ (20) "Nontransport vehicle" means any vehicle operated by an
 18 agency with the intent to provide personnel or equipment for medical sta-
 19 bilization at an emergency scene, but not intended as the vehicle that will
 20 actually transport sick or injured persons.

21 (21) "Office" means the Idaho office of emergency management within the
 22 military division.

23 ~~(23)~~ (22) "Paramedic" means a person who has met the qualifications for
 24 licensure as set forth in sections ~~56-1011~~ 46-1028 through ~~56-1023~~ 46-1044,
 25 Idaho Code, is licensed by the EMS bureau under sections ~~56-1011~~ 46-1028
 26 through ~~56-1023~~ 46-1044, Idaho Code, carries out the practice of emergency
 27 care within the scope of practice determined by the commission and practices
 28 under the supervision of an Idaho licensed physician.

29 ~~(24)~~ (23) "Supervision" means the medical direction by a licensed
 30 physician of activities provided by licensed personnel affiliated with a
 31 licensed ambulance, air medical or nontransport service, including, but not
 32 limited to: establishing standing orders and protocols, reviewing perfor-
 33 mance of licensed personnel, providing instructions for patient care via
 34 radio or telephone, and other oversight.

35 ~~(25)~~ (24) "Transfer" means the transportation of a patient from one (1)
 36 medical care facility to another.

37 SECTION 8. That Chapter 10, Title 46, Idaho Code, be, and the same is
 38 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 39 ignated as Section 46-1030, Idaho Code, and to read as follows:

40 46-1030. COUNTIES ACCOUNTABLE. Emergency medical services are a gov-
 41 ernmental function. If the EMS bureau is approving applications for fund-
 42 ing from the emergency medical services sustainability fund pursuant to sec-
 43 tion 46-1040, Idaho Code, counties have the authority and accountability to
 44 ensure that emergency medical services are reasonably available throughout
 45 the county.

46 SECTION 9. That Section 56-1013, Idaho Code, be, and the same is hereby
 47 amended to read as follows:

1 ~~56-1013~~ 46-1031. AUTHORIZED ACTIONS. Persons licensed by the EMS bu-
2 reau shall be authorized to perform such acts under written or oral autho-
3 rization of a licensed physician as shall be established by rules of the com-
4 mission, including, but not limited to, administration of intravenous so-
5 lutions and drugs, cardiac defibrillation, airway management, endotracheal
6 intubation, community health emergency medical services, and other patient
7 care.

8 SECTION 10. That Section 56-1013A, Idaho Code, be, and the same is
9 hereby amended to read as follows:

10 ~~56-1013A~~ 46-1032. IDAHO EMERGENCY MEDICAL SERVICES PHYSICIAN COMMIS-
11 SION -- TERMS AND OPERATION. (1) There is hereby created in the ~~department~~
12 office an Idaho emergency medical services physician commission for the pur-
13 pose of establishing standards for scope of practice and medical supervision
14 for licensed personnel and agencies licensed by the EMS bureau, and for mak-
15 ing disciplinary action recommendations to the EMS bureau against licensed
16 personnel. Notwithstanding any other provision of law to the contrary,
17 the commission shall exercise its powers and duties in accordance with the
18 provisions of sections ~~56-1011~~ 46-1028 through ~~56-1023~~ 46-1044, Idaho Code,
19 relative to scope of practice and medical supervision of licensed personnel.

20 (2) The commission shall be composed of eleven (11) voting members
21 appointed by the governor upon assurance of equitable geographic and rural
22 representation. Six (6) members shall be physicians currently licensed in
23 Idaho and appointed as follows: one (1) member representing the Idaho board
24 of medicine as provided in chapter 18, title 54, Idaho Code, one (1) member
25 representing the Idaho medical association, one (1) member representing the
26 EMS bureau, one (1) member representing the Idaho chapter of the American
27 college of emergency physicians, one (1) member representing the Idaho chap-
28 ter of the American academy of pediatrics and one (1) member representing the
29 Idaho chapter of the American college of surgeons committee on trauma. Three
30 (3) members shall be physicians currently licensed in Idaho and practicing
31 as ~~an~~ EMS medical directors representing the following associations: one
32 (1) member representing the Idaho association of counties, one (1) member
33 representing the Idaho fire chiefs association and one (1) member represent-
34 ing the Idaho hospital association. Two (2) members shall be Idaho citizens
35 representing the public interest.

36 (3) Except as provided in this subsection, members of the commission
37 shall be appointed for a term of three (3) years. The following four (4) mem-
38 bers shall be appointed to an initial term of two (2) years: the member rep-
39 resenting the board of medicine, the member representing the Idaho chapter
40 of the American college of emergency physicians, the member representing the
41 Idaho chapter of the American college of surgeons committee on trauma and the
42 member representing the Idaho fire chiefs association. The remaining seven
43 (7) members shall be appointed for an initial term of three (3) years. There-
44 after, all terms shall be for a period of three (3) years.

45 (4) The commission shall elect a chair and such officers as it may deem
46 necessary and appropriate. The commission shall meet at least annually and
47 at the call of the chair. Members of the commission shall be compensated as
48 provided in section 59-509(b), Idaho Code.

1 (5) Prior to the expiration of the regular term of a member of the com-
 2 mission or upon the occurrence or declaration of a vacancy in the member-
 3 ship of the commission, the EMS bureau shall notify the represented entity
 4 of that fact in writing and the represented entity shall, within sixty (60)
 5 days thereafter, nominate at least three (3) persons to fill the vacancy in
 6 a manner as shall be determined by the rules and bylaws of the represented
 7 entity and shall forward the nominations to the governor, who shall appoint
 8 from among the nominees a person to be a member of the commission to fill the
 9 vacancy. Persons nominated for a seat held by a physician must be licensed by
 10 the state of Idaho to practice medicine.

11 (6) Moneys collected pursuant to rules promulgated by the ~~board~~ EMS
 12 bureau for initial applications and renewal of EMS personnel licenses are
 13 hereby continuously appropriated and shall be utilized exclusively for the
 14 purposes set forth in this section as determined by the commission.

15 (7) The commission shall prepare a budget on an annual basis indicating
 16 that portion of the funds necessary for the continuous operation of the com-
 17 mission to achieve the purposes of this section.

18 SECTION 11. That Section 56-1013B, Idaho Code, be, and the same is
 19 hereby amended to read as follows:

20 ~~56-1013B~~ 46-1033. RECOGNITION OF EMS PERSONNEL LICENSURE INTERSTATE
 21 COMPACT ~~(REPLICA)~~. The recognition of EMS personnel licensure interstate
 22 compact (REPLICA) is hereby enacted into law and entered into with all other
 23 jurisdictions legally joining therein, in the form substantially as follows
 24 in sections ~~56-1013C~~ 46-1033A through ~~56-1013Q~~ 46-1033N, Idaho Code.

25 SECTION 12. That Section 56-1013C, Idaho Code, be, and the same is
 26 hereby amended to read as follows:

27 ~~56-1013C~~ 46-1033A. PURPOSE. In order to protect the public through
 28 verification of competency and ensure accountability for patient care-re-
 29 lated activities, all states license emergency medical services (EMS)
 30 personnel, such as emergency medical technicians (EMTs), advanced EMTs and
 31 paramedics. This compact is intended to facilitate the day-to-day move-
 32 ment of EMS personnel across state boundaries in the performance of their
 33 EMS duties as assigned by an appropriate authority and authorize state EMS
 34 offices to afford immediate legal recognition to EMS personnel licensed in
 35 a member state. This compact recognizes that states have a vested interest
 36 in protecting the public's health and safety through their licensing and
 37 regulation of EMS personnel and that such state regulation shared among the
 38 member states will best protect public health and safety. This compact is
 39 designed to achieve the following purposes and objectives:

- 40 (1) Increase public access to EMS personnel;
- 41 (2) Enhance the states' ability to protect the public's health and
 42 safety, especially patient safety;
- 43 (3) Encourage the cooperation of member states in the areas of EMS per-
 44 sonnel licensure and regulation;
- 45 (4) Support licensing of military members who are separating from an
 46 active duty tour and their spouses;

1 (5) Facilitate the exchange of information between member states re-
 2 garding EMS personnel licensure, adverse action and significant investiga-
 3 tory information;

4 (6) Promote compliance with the laws governing EMS personnel practice
 5 in each member state; and

6 (7) Invest all member states with the authority to hold EMS personnel
 7 accountable through the mutual recognition of member state licenses.

8 SECTION 13. That Section 56-1013D, Idaho Code, be, and the same is
 9 hereby amended to read as follows:

10 ~~56-1013D~~ 46-1033B. DEFINITIONS. As used in this compact:

11 (1) "Advanced emergency medical technician" (AEMT) means an individual
 12 licensed with cognitive knowledge and a scope of practice that corresponds
 13 to that level in the national EMS education standards and national EMS scope
 14 of practice model.

15 (2) "Adverse action" means any administrative, civil, equitable or
 16 criminal action permitted by a state's laws that may be imposed against li-
 17 censed EMS personnel by a state EMS authority or state court, including, but
 18 not limited to, actions against an individual's license such as revocation,
 19 suspension, probation, consent agreement, monitoring or other limitation
 20 or encumbrance on the individual's practice, letters of reprimand or ad-
 21 monition, fines, criminal convictions and state court judgments enforcing
 22 adverse actions by the state EMS authority.

23 (3) "Alternative program" means a voluntary, nondisciplinary sub-
 24 stance abuse recovery program approved by a state EMS authority.

25 (4) "Certification" means the successful verification of entry-level
 26 cognitive and psychomotor competency using a reliable, validated and
 27 legally defensible examination.

28 (5) "Commission" means the national administrative body of which all
 29 states that have enacted the compact are members.

30 (6) "Emergency medical technician" (EMT) means an individual licensed
 31 with cognitive knowledge and a scope of practice that corresponds to that
 32 level in the national EMS education standards and national EMS scope of prac-
 33 tice model.

34 (7) "Home state" means a member state where an individual is licensed to
 35 practice emergency medical services.

36 (8) "License" means the authorization by a state for an individual to
 37 practice as an EMT, AEMT, paramedic or a level in between EMT and paramedic.

38 (9) "Medical director" means a physician licensed in a member state who
 39 is accountable for the care delivered by EMS personnel.

40 (10) "Member state" means a state that has enacted this compact.

41 ~~(11) "Privilege to practice" means an individual's authority to deliver~~
 42 ~~emergency medical services in remote states as authorized under this com-~~
 43 ~~compact.~~

44 ~~(12)~~ (11) "Paramedic" means an individual licensed with cognitive
 45 knowledge and a scope of practice that corresponds to that level in the na-
 46 tional EMS education standards and national EMS scope of practice model.

47 (12) "Privilege to practice" means an individual's authority to deliver
 48 emergency medical services in remote states as authorized under this com-
 49 compact.

1 (13) "Remote state" means a member state in which an individual is not
2 licensed.

3 (14) "Restricted" means the outcome of an adverse action that limits a
4 license or the privilege to practice.

5 (15) "Rule" means a written statement by the commission promulgated
6 pursuant to section ~~56-1013N~~ 46-1033L, Idaho Code, of this compact that is
7 of general applicability; implements, interprets or prescribes a policy or
8 provision of the compact; or is an organizational, procedural or practice
9 requirement of the commission and has the force and effect of statutory law
10 in a member state and includes the amendment, repeal or suspension of an ex-
11 isting rule.

12 (16) "Scope of practice" means defined parameters of various duties or
13 services that may be provided by an individual with specific credentials.
14 Whether regulated by rule, statute or court decision, it scope of practice
15 tends to represent the limits of services an individual may perform.

16 (17) "Significant investigatory information" means:

17 (a) Investigative information that a state EMS authority, after a pre-
18 liminary inquiry that includes notification and an opportunity to re-
19 spond if required by state law, has reason to believe, if proved true,
20 would result in the imposition of an adverse action on a license or priv-
21 ilege to practice; or

22 (b) Investigative information that indicates that the individual rep-
23 represents an immediate threat to public health and safety regardless of
24 whether the individual has been notified and had an opportunity to re-
25 spond.

26 (18) "State" means any state, commonwealth, district or territory of
27 the United States.

28 (19) "State EMS authority" means the board, office or other agency with
29 the legislative mandate to license EMS personnel.

30 SECTION 14. That Section 56-1013E, Idaho Code, be, and the same is
31 hereby amended to read as follows:

32 ~~56-1013E~~ 46-1033C. HOME STATE LICENSURE. (1) Any member state in which
33 an individual holds a current license shall be deemed a home state for pur-
34 poses of this compact.

35 (2) Any member state may require an individual to obtain and retain a
36 license to be authorized to practice in the member state under circumstances
37 not authorized by the privilege to practice under the terms of this compact.

38 (3) A home state's license authorizes an individual to practice in a re-
39 mote state under the privilege to practice only if the home state:

40 (a) Currently requires the use of the national registry of emergency
41 medical technicians (NREMT) examination as a condition of issuing ini-
42 tial licenses at the EMT and paramedic levels;

43 (b) Has a mechanism in place for receiving and investigating complaints
44 about individuals;

45 (c) Notifies the commission, in compliance with the terms herein, of
46 any adverse action or significant investigatory information regarding
47 an individual;

48 (d) No later than five (5) years after activation of the compact, re-
49 quires a criminal background check of all applicants for initial licen-

1 sure, including the use of the results of fingerprint or other biometric
2 data checks compliant with the requirements of the federal bureau of in-
3 vestigation with the exception of federal employees who have suitabil-
4 ity determination in accordance with 5 CFR 731.202 and submit documen-
5 tation of such as promulgated in the rules of the commission; and
6 (e) Complies with the rules of the commission.

7 SECTION 15. That Section 56-1013F, Idaho Code, be, and the same is
8 hereby amended to read as follows:

9 ~~56-1013F~~ 46-1033D. COMPACT PRIVILEGE TO PRACTICE. (1) Member states
10 shall recognize the privilege to practice of an individual licensed in an-
11 other member state that is in conformance with section ~~56-1013E~~ 46-1033C,
12 Idaho Code.

13 (2) To exercise the privilege to practice under the terms and provi-
14 sions of this compact, an individual must:

15 (a) Be at least eighteen (18) years of age;

16 (b) Possess a current unrestricted license in a member state as an EMT,
17 AEMT, paramedic or state-recognized and licensed level with a scope of
18 practice and authority between EMT and paramedic; and

19 (c) Practice under the supervision of a medical director.

20 (3) An individual providing patient care in a remote state under the
21 privilege to practice shall function within the scope of practice authorized
22 by the home state unless and until modified by an appropriate authority in
23 the remote state as may be defined in the rules of the commission.

24 (4) Except as provided in this section, an individual practicing in a
25 remote state will be subject to the remote state's authority and laws. A
26 remote state may, in accordance with due process and that state's laws, re-
27 strict, suspend or revoke an individual's privilege to practice in the re-
28 mote state and may take any other necessary actions to protect the health and
29 safety of its citizens. If a remote state takes action, it shall promptly no-
30 tify the home state and the commission.

31 (5) If an individual's license in any home state is restricted or sus-
32 pended, the individual shall not be eligible to practice in a remote state
33 under the privilege to practice until the individual's home state license is
34 restored.

35 (6) If an individual's privilege to practice in any remote state is
36 restricted, suspended or revoked, the individual shall not be eligible to
37 practice in any remote state until the individual's privilege to practice is
38 restored.

39 SECTION 16. That Section 56-1013G, Idaho Code, be, and the same is
40 hereby amended to read as follows:

41 ~~56-1013G~~ 46-1033E. CONDITIONS OF PRACTICE IN A REMOTE STATE. An indi-
42 vidual may practice in a remote state under a privilege to practice only in
43 the performance of the individual's EMS duties as assigned by an appropriate
44 authority, as defined in the rules of the commission, and under the following
45 circumstances:

46 (1) The individual originates a patient transport in a home state and
47 transports the patient to a remote state;

1 (2) The individual originates in the home state and enters a remote
2 state to pick up a patient and provide care and transport of the patient to
3 the home state;

4 (3) The individual enters a remote state to provide patient care and/or
5 transport within that remote state;

6 (4) The individual enters a remote state to pick up a patient and pro-
7 vide care and transport to a third member state;

8 (5) Other conditions as determined by rules promulgated by the commis-
9 sion.

10 SECTION 17. That Section 56-1013H, Idaho Code, be, and the same is
11 hereby amended to read as follows:

12 ~~56-1013H~~ 46-1033F. RELATIONSHIP TO EMERGENCY MANAGEMENT ASSIS-
13 TANCE COMPACT. Upon a member state's governor's declaration of a state of
14 emergency or disaster that activates the emergency management assistance
15 compact (EMAC), all relevant terms and provisions of EMAC shall apply and,
16 to the extent any terms or provisions of this compact conflict with EMAC, the
17 terms of EMAC shall prevail with respect to any individual practicing in the
18 remote state in response to such declaration.

19 SECTION 18. That Section 56-1013I, Idaho Code, be, and the same is
20 hereby amended to read as follows:

21 ~~56-1013I~~ 46-1033G. VETERANS, SERVICE MEMBERS SEPARATING FROM ACTIVE
22 DUTY MILITARY AND THEIR SPOUSES. (1) Member states shall consider a veteran,
23 active military service member, and member of the national guard and re-
24 serves separating from an active duty tour, and a spouse thereof, who holds a
25 current valid and unrestricted NREMT certification at or above the level of
26 the state license being sought as satisfying the minimum training and exami-
27 nation requirements for such licensure.

28 (2) Member states shall expedite the processing of licensure applica-
29 tions submitted by veterans, active military service members, and members
30 of the national guard and reserves separating from an active duty tour, and
31 their spouses.

32 (3) All individuals functioning with a privilege to practice under this
33 section remain subject to the adverse actions provisions of section ~~56-1013J~~
34 46-1033H, Idaho Code.

35 SECTION 19. That Section 56-1013J, Idaho Code, be, and the same is
36 hereby amended to read as follows:

37 ~~56-1013J~~ 46-1033H. ADVERSE ACTIONS. (1) A home state shall have exclu-
38 sive power to impose adverse action against an individual's license issued
39 by the home state.

40 (2) If an individual's license in any home state is restricted or sus-
41 pended, the individual shall not be eligible to practice in a remote state
42 under the privilege to practice until the individual's home state license is
43 restored.

44 (a) All home state adverse action orders shall include a statement that
45 the individual's compact privileges are inactive. The order may allow

1 the individual to practice in remote states with prior written autho-
2 rization from both the home state and remote state's EMS authority.

3 (b) An individual currently subject to adverse action in the home state
4 shall not practice in any remote state without prior written authoriza-
5 tion from both the home state and remote state's EMS authority.

6 (3) A member state shall report adverse actions and any occurrences
7 that the individual's compact privileges are restricted, suspended or re-
8 voked to the commission in accordance with the rules of the commission.

9 (4) A remote state may take adverse action on an individual's privilege
10 to practice within that state.

11 (5) Any member state may take adverse action against an individual's
12 privilege to practice in that state based on the factual findings of another
13 member state, ~~se~~ as long as each state follows its own procedures for impos-
14 ing such adverse action.

15 (6) A home state's EMS authority shall investigate and take appropriate
16 action with respect to reported conduct in a remote state as it would if such
17 conduct had occurred within the home state. In such cases, the home state's
18 law shall control in determining the appropriate adverse action.

19 (7) Nothing in this compact shall override a member state's decision
20 that participation in an alternative program may be used in lieu of adverse
21 action and that such participation shall remain nonpublic if required by
22 the member state's laws. Member states must require individuals who enter
23 any alternative programs to agree not to practice in any other member state
24 during the term of the alternative program without prior authorization from
25 such other member state.

26 SECTION 20. That Section 56-1013K, Idaho Code, be, and the same is
27 hereby amended to read as follows:

28 ~~56-1013K~~ 46-1033I. ADDITIONAL POWERS INVESTED IN A MEMBER STATE'S EMS
29 AUTHORITY. A member state's EMS authority, in addition to any other powers
30 granted under state law, is authorized under this compact to:

31 (1) Issue subpoenas for both hearings and investigations that require
32 the attendance and testimony of witnesses and the production of evidence.
33 Subpoenas issued by a member state's EMS authority for the attendance and
34 testimony of witnesses, ~~and/or~~ or the production of evidence from another
35 member state, shall be enforced in the remote state by any court of competent
36 jurisdiction, according to that court's practice and procedure in consider-
37 ing subpoenas issued in its own proceedings. The issuing state EMS authority
38 shall pay any witness fees, travel expenses, mileage and other fees required
39 by the service statutes of the state where the witnesses ~~and/or~~ or evidence
40 are located; and

41 (2) Issue cease and desist orders to restrict, suspend or revoke an in-
42 dividual's privilege to practice in the state.

43 SECTION 21. That Section 56-1013L, Idaho Code, be, and the same is
44 hereby amended to read as follows:

45 ~~56-1013L~~ 46-1033J. ESTABLISHMENT OF THE INTERSTATE COMMISSION FOR
46 EMS PERSONNEL PRACTICE. (1) The compact states hereby create and establish

1 a joint public agency known as the interstate commission for EMS personnel
2 practice.

3 (a) The commission is a body politic and an instrumentality of the com-
4 pact states.

5 (b) Venue is proper and judicial proceedings by or against the commis-
6 sion shall be brought solely and exclusively in a court of competent ju-
7 risdiction where the principal office of the commission is located. The
8 commission may waive venue and jurisdictional defenses to the extent
9 it adopts or consents to participate in alternative dispute resolution
10 proceedings.

11 (c) Nothing in this compact shall be construed to be a waiver of
12 sovereign immunity.

13 (2) Membership, voting, and meetings.

14 (a) Each member state shall have and be limited to one (1) delegate. The
15 responsible official of the state EMS authority or his designee shall be
16 the delegate to this compact for each member state. Any delegate may be
17 removed or suspended from office as provided by the law of the state from
18 which the delegate is appointed. Any vacancy occurring in the commis-
19 sion shall be filled in accordance with the laws of the member state in
20 which the vacancy exists. In the event that more than one (1) board, of-
21 fice or other agency with the legislative mandate to license EMS person-
22 nel at and above the level of EMT exists, the governor of the state will
23 determine which entity will be responsible for assigning the delegate.

24 (b) Each delegate shall be entitled to one (1) vote with regard to the
25 promulgation of rules and creation of bylaws and shall otherwise have
26 an opportunity to participate in the business and affairs of the commis-
27 sion. A delegate shall vote in person or by such other means as provided
28 in the bylaws. The bylaws may provide for delegates' participation in
29 meetings by telephone or other means of communication.

30 (c) The commission shall meet at least once during each calendar year.
31 Additional meetings shall be held as set forth in the bylaws.

32 (d) All meetings shall be open to the public, and public notice of meet-
33 ings shall be given in the same manner as required under the rulemaking
34 provisions in section ~~56-1013N~~ 46-1033L, Idaho Code.

35 (e) The commission may convene in a closed, nonpublic meeting if the
36 commission must discuss: noncompliance of a member state with its obli-
37 gations under the compact; the employment, compensation, discipline or
38 other personnel matters, practices or procedures related to specific
39 employees or other matters related to the commission's internal person-
40 nel practices and procedures; current, threatened or reasonably antic-
41 ipated litigation; negotiation of contracts for the purchase or sale of
42 goods, services or real estate; accusing any person of a crime or for-
43 mally censuring any person; disclosure of trade secrets or commercial
44 or financial information that is privileged or confidential; disclo-
45 sure of information of a personal nature where disclosure would consti-
46 tute a clearly unwarranted invasion of personal privacy; disclosure of
47 investigatory records compiled for law enforcement purposes; disclo-
48 sure of information related to any investigatory reports prepared by or
49 on behalf of or for use of the commission or other committee charged with
50 responsibility of investigation or determination of compliance issues

1 pursuant to the compact; or matters specifically exempted from disclo-
2 sure by federal or member state statute.

3 (f) If a meeting, or portion of a meeting, is closed pursuant to this
4 provision, the commission's legal counsel or designee shall certify
5 that the meeting may be closed and shall reference each relevant exempt-
6 ing provision. The commission shall keep minutes that fully and clearly
7 describe all matters discussed in a meeting and shall provide a full and
8 accurate summary of actions taken, and the reasons ~~therefore~~ therefor,
9 including a description of the views expressed. All documents consid-
10 ered in connection with an action shall be identified in such minutes.
11 All minutes and documents of a closed meeting shall remain under seal,
12 subject to release by a majority vote of the commission or order of a
13 court of competent jurisdiction.

14 (3) The commission shall, by a majority vote of the delegates, pre-
15 scribe bylaws ~~and/or~~ or rules to govern its conduct as may be necessary or
16 appropriate to carry out the purposes and exercise the powers of the compact,
17 including, but not limited to:

18 (a) Establishing the fiscal year of the commission;

19 (b) Providing reasonable standards and procedures for the establish-
20 ment and meetings of other committees; and governing any general or spe-
21 cific delegation of any authority or function of the commission;

22 (c) Providing reasonable procedures for calling and conducting meet-
23 ings of the commission, ensuring reasonable advance notice of all meet-
24 ings, and providing an opportunity for attendance of such meetings by
25 interested parties, with enumerated exceptions designed to protect the
26 public's interest, the privacy of individuals, and proprietary infor-
27 mation, including trade secrets. The commission may meet in closed ses-
28 sion only after a majority of the membership votes to close a meeting in
29 whole or in part. As soon as practicable, the commission must make pub-
30 lic a copy of the vote to close the meeting revealing the vote of each
31 member with no proxy votes allowed;

32 (d) Establishing the titles, duties and authority, and reasonable pro-
33 cedures for the election of the officers of the commission;

34 (e) Providing reasonable standards and procedures for the establish-
35 ment of the personnel policies and programs of the commission. Notwith-
36 standing any civil service or other similar laws of any member state,
37 the bylaws shall exclusively govern the personnel policies and programs
38 of the commission;

39 (f) Promulgating a code of ethics to address permissible and prohibited
40 activities of commission members and employees;

41 (g) Providing a mechanism for winding up the operations of the commis-
42 sion and the equitable disposition of any surplus funds that may exist
43 after the termination of the compact after the payment ~~and/or~~ or reserv-
44 ing of all of its debts and obligations;

45 (h) The commission shall publish its bylaws and file a copy thereof, and
46 a copy of any amendment thereto, with the appropriate agency or officer
47 in each of the member states, if any;

48 (i) The commission shall maintain its financial records in accordance
49 with the bylaws; and

1 (j) The commission shall meet and take such actions as are consistent
2 with the provisions of this compact and the bylaws.

3 (4) The commission shall have the following powers:

4 (a) ~~The authority to~~ To promulgate uniform rules to facilitate and co-
5 ordinate implementation and administration of this compact. The rules
6 shall have the force and effect of law and shall be binding in all member
7 states;

8 (b) To bring and prosecute legal proceedings or actions in the name of
9 the commission, provided that the standing of any state EMS authority or
10 other regulatory body responsible for EMS personnel licensure to sue or
11 be sued under applicable law shall not be affected;

12 (c) To purchase and maintain insurance and bonds;

13 (d) To borrow, accept or contract for services of personnel including,
14 but not limited to, employees of a member state;

15 (e) To hire employees, elect or appoint officers, fix compensation, de-
16 fine duties, grant such individuals appropriate authority to carry out
17 the purposes of the compact, and to establish the commission's person-
18 nel policies and programs relating to conflicts of interest, qualifica-
19 tions of personnel, and other related personnel matters;

20 (f) To accept any and all appropriate donations and grants of money,
21 equipment, supplies, materials and services, and to receive, utilize
22 and dispose of the same; provided that at all times the commission shall
23 strive to avoid any appearance of impropriety ~~and/or~~ or conflict of in-
24 terest;

25 (g) To lease, purchase, accept appropriate gifts or donations of, or
26 otherwise to own, hold, improve or use, any property, real, personal or
27 mixed; provided that at all times the commission shall strive to avoid
28 any appearance of impropriety;

29 (h) To sell, convey, mortgage, pledge, lease, exchange, abandon, or
30 otherwise dispose of any property, real, personal or mixed;

31 (i) To establish a budget and make expenditures;

32 (j) To borrow money;

33 (k) To appoint committees, including advisory committees comprised of
34 members, state regulators, state legislators or their representatives,
35 and consumer representatives, and such other interested persons as may
36 be designated in this compact and the bylaws;

37 (l) To provide and receive information from, and to cooperate with, law
38 enforcement agencies;

39 (m) To adopt and use an official seal; and

40 (n) To perform such other functions as may be necessary or appropriate
41 to achieve the purposes of this compact consistent with the state regu-
42 lation of EMS personnel licensure and practice.

43 (5) Financing of the commission.

44 (a) The commission shall pay, or provide for the payment of, the rea-
45 sonable expenses of its establishment, organization and ongoing activ-
46 ities.

47 (b) The commission may accept any and all appropriate revenue sources,
48 donations, and grants of money, equipment, supplies, materials and ser-
49 vices.

1 (c) The commission may levy on and collect an annual assessment from
2 each member state or impose fees on other parties to cover the cost of
3 the operations and activities of the commission and its staff, which
4 must be in a total amount sufficient to cover its annual budget as ap-
5 proved each year for which revenue is not provided by other sources. The
6 aggregate annual assessment amount shall be allocated based upon a for-
7 mula to be determined by the commission, which shall promulgate a rule
8 binding upon all member states.

9 (d) The commission shall not incur obligations of any kind prior to
10 securing the funds adequate to meet the same; nor shall the commission
11 pledge the credit of any of the member states, except by and with the
12 authority of the member state.

13 (e) The commission shall keep accurate accounts of all receipts and
14 disbursements. The receipts and disbursements of the commission shall
15 be subject to the audit and accounting procedures established under its
16 bylaws. However, all receipts and disbursements of funds handled by the
17 commission shall be audited yearly by a certified or licensed public
18 accountant, and the report of the audit shall be included in and become
19 part of the annual report of the commission.

20 (6) Qualified immunity, defense, and indemnification.

21 (a) The members, officers, executive director, employees and represen-
22 tatives of the commission shall be immune from suit and liability, ei-
23 ther personally or in their official capacity, for any claim for dam-
24 age to or loss of property or personal injury or other civil liability
25 caused by or arising out of any actual or alleged act, error or omission
26 that occurred, or that the person against whom the claim is made had a
27 reasonable basis for believing occurred within the scope of commission
28 employment, duties or responsibilities; provided that nothing in this
29 paragraph shall be construed to protect any such person from suit ~~and/or~~
30 or liability for any damage, loss, injury or liability caused by the in-
31 tentional or willful or wanton misconduct of that person.

32 (b) The commission shall defend any member, officer, executive direc-
33 tor, employee or representative of the commission in any civil action
34 seeking to impose liability arising out of any actual or alleged act,
35 error or omission that occurred within the scope of commission employ-
36 ment, duties or responsibilities, or that the person against whom the
37 claim is made had a reasonable basis for believing occurred within the
38 scope of commission employment, duties or responsibilities; provided
39 that nothing herein shall be construed to prohibit that person from re-
40 taining his or her own counsel; and provided further, that the actual or
41 alleged act, error or omission did not result from that person's inten-
42 tional or willful or wanton misconduct.

43 (c) The commission shall indemnify and hold harmless any member, offi-
44 cer, executive director, employee or representative of the commission
45 for the amount of any settlement or judgment obtained against that per-
46 son arising out of any actual or alleged act, error or omission that oc-
47 curred within the scope of commission employment, duties or responsi-
48 bilities, or that such person had a reasonable basis for believing oc-
49 curred within the scope of commission employment, duties or responsi-
50 bilities, provided that the actual or alleged act, error or omission did

1 not result from the intentional or willful or wanton misconduct of that
2 person.

3 SECTION 22. That Section 56-1013M, Idaho Code, be, and the same is
4 hereby amended to read as follows:

5 ~~56-1013M~~ 46-1033K. COORDINATED DATABASE. (1) The commission shall
6 provide for the development and maintenance of a coordinated database and
7 reporting system containing licensure, adverse action and significant in-
8 vestigatory information on all licensed individuals in member states.

9 (2) Notwithstanding any other provision of state law to the contrary, a
10 member state shall submit a uniform ~~data set~~ dataset to the coordinated data-
11 base on all individuals to whom this compact is applicable as required by the
12 rules of the commission, including:

- 13 (a) Identifying information;
- 14 (b) Licensure data;
- 15 (c) Significant investigatory information;
- 16 (d) Adverse actions against an individual's license;
- 17 (e) An indicator that an individual's privilege to practice is re-
18 stricted, suspended or revoked;
- 19 (f) Nonconfidential information related to alternative program par-
20 ticipation;
- 21 (g) Any denial of application for licensure, and the ~~reason(s)~~ reasons
22 for such denial; and
- 23 (h) Other information that may facilitate the administration of this
24 compact, as determined by the rules of the commission.

25 (3) The coordinated database administrator shall promptly notify all
26 member states of any adverse action taken against, or significant investiga-
27 tive information on, any individual in a member state.

28 (4) Member states contributing information to the coordinated database
29 may designate information that may not be shared with the public without the
30 express permission of the contributing state.

31 (5) Any information submitted to the coordinated database that is sub-
32 sequently required to be expunged by the laws of the member state contribut-
33 ing the information shall be removed from the coordinated database.

34 SECTION 23. That Section 56-1013N, Idaho Code, be, and the same is
35 hereby amended to read as follows:

36 ~~56-1013N~~ 46-1033L. RULEMAKING. (1) The commission shall exercise its
37 rulemaking powers pursuant to the criteria set forth in this section and the
38 rules adopted thereunder. Rules and amendments shall become binding as of
39 the date specified in each rule or amendment.

40 (2) If a majority of the legislatures of the member states rejects a
41 rule, by enactment of a statute or resolution in the same manner used to adopt
42 the compact, then such rule shall have no further force and effect in any mem-
43 ber state.

44 (3) Rules or amendments to the rules shall be adopted at a regular or
45 special meeting of the commission.

46 (4) Prior to promulgation and adoption of a final rule or rules by the
47 commission, and at least sixty (60) days in advance of the meeting at which

1 the rule will be considered and voted upon, the commission shall file a no-
2 tice of proposed rulemaking:

3 (a) On the website of the commission; and

4 (b) On the website of each member state EMS authority or the publication
5 in which each state would otherwise publish proposed rules.

6 (5) The notice of proposed rulemaking shall include:

7 (a) The proposed time, date and location of the meeting in which the
8 rule will be considered and voted upon;

9 (b) The text of the proposed rule or amendment and the reason for the
10 proposed rule;

11 (c) A request for comments on the proposed rule from any interested per-
12 son; and

13 (d) The manner in which interested persons may submit notice to the com-
14 mission of their intention to attend the public hearing and any for pro-
15 viding written comments.

16 (6) Prior to adoption of a proposed rule, the commission shall allow
17 persons to submit written data, facts, opinions and arguments, which shall
18 be made available to the public.

19 (7) The commission shall grant an opportunity for a public hearing be-
20 fore it adopts a rule or amendment if a hearing is requested by:

21 (a) At least twenty-five (25) persons;

22 (b) A governmental subdivision or agency; or

23 (c) An association having at least twenty-five (25) members.

24 (8) If a hearing is held on the proposed rule or amendment, the commis-
25 sion shall publish the place, time and date of the scheduled public hearing.

26 (a) All persons wishing to be heard at the hearing shall notify the ex-
27 ecutive director of the commission or other designated member in writ-
28 ing of their desire to appear and testify at the hearing not less than
29 five (5) business days before the scheduled date of the hearing.

30 (b) Hearings shall be conducted in a manner providing each person who
31 wishes to comment a fair and reasonable opportunity to comment orally or
32 in writing.

33 (c) No transcript of the hearing is required, unless a written request
34 for a transcript is made, in which case the person requesting the tran-
35 script shall bear the cost of producing the transcript. A recording may
36 be made in lieu of a transcript under the same terms and conditions as
37 a transcript. This ~~subsection (8) (c)~~ paragraph shall not preclude the
38 commission from making a transcript or recording of the hearing if it so
39 chooses.

40 (d) Nothing in this section shall be construed as requiring a separate
41 hearing on each rule. Rules may be grouped for the convenience of the
42 commission at hearings required by this section.

43 (9) Following the scheduled hearing date, or by the close of business on
44 the scheduled hearing date if the hearing was not held, the commission shall
45 consider all written and oral comments received.

46 (10) The commission shall, by majority vote of all members, take final
47 action on the proposed rule and shall determine the effective date of the
48 rule, if any, based on the rulemaking record and the full text of the rule.

1 (11) If no written notice of intent to attend the public hearing by in-
 2 terested parties is received, the commission may proceed with promulgation
 3 of the proposed rule without a public hearing.

4 (12) Upon determination that an emergency exists, the commission may
 5 consider and adopt an emergency rule without prior notice, opportunity for
 6 comment, or hearing, provided that the usual rulemaking procedures provided
 7 in the compact and in this section shall be retroactively applied to the rule
 8 as soon as reasonably possible, but in no event later than ninety (90) days
 9 after the effective date of the rule. For the purposes of this provision, an
 10 emergency rule is one that must be adopted immediately in order to:

- 11 (a) Meet an imminent threat to public health, safety or welfare;
- 12 (b) Prevent a loss of commission or member state funds;
- 13 (c) Meet a deadline for the promulgation of an administrative rule that
- 14 is established by federal law or rule; or
- 15 (d) Protect public health and safety.

16 (13) The commission or an authorized committee of the commission may
 17 direct revisions to a previously adopted rule or amendment for purposes of
 18 correcting typographical errors, errors in format, errors in consistency,
 19 or grammatical errors. Public notice of any revisions shall be posted on the
 20 website of the commission. The revision shall be subject to challenge by any
 21 person for a period of thirty (30) days after posting. The revision may be
 22 challenged only on grounds that the revision results in a material change
 23 to a rule. A challenge shall be made in writing, and delivered to the chair
 24 of the commission prior to the end of the notice period. If no challenge is
 25 made, the revision will take effect without further action. If the revision
 26 is challenged, the revision may not take effect without the approval of the
 27 commission.

28 SECTION 24. That Section 56-10130, Idaho Code, be, and the same is
 29 hereby amended to read as follows:

30 ~~56-10130~~ 46-1033M. OVERSIGHT, DISPUTE RESOLUTION AND ENFORCE-
 31 MENT. (1) Oversight.

32 (a) The executive, legislative and judicial branches of state govern-
 33 ment in each member state shall enforce this compact and take all ac-
 34 tions necessary and appropriate to effectuate the compact's purposes
 35 and intent. The provisions of this compact and the rules promulgated
 36 hereunder shall have standing as statutory law.

37 (b) All courts shall take judicial notice of the compact and the rules
 38 in any judicial or administrative proceeding in a member state pertain-
 39 ing to the subject matter of this compact ~~which~~ that may affect the pow-
 40 ers, responsibilities or actions of the commission.

41 (c) The commission shall be entitled to receive service of process in
 42 any such proceeding, and shall have standing to intervene in such a pro-
 43 ceeding for all purposes. Failure to provide service of process to the
 44 ~~Commission~~ commission shall render a judgment or order void as to the
 45 commission, this compact, or promulgated rules.

46 (2) Default, technical assistance, and termination.

47 (a) If the commission determines that a member state has defaulted in
 48 the performance of its obligations or responsibilities under this com-
 49 pact or the promulgated rules, the commission shall provide written no-

1 tice to the defaulting state and other member states of the nature of the
2 default, the proposed means of curing the default ~~and/or~~ or any other
3 action to be taken by the commission, and shall provide remedial train-
4 ing and specific technical assistance regarding the default.

5 (b) If a state in default fails to cure the default, the defaulting
6 state may be terminated from the compact upon an affirmative vote of a
7 majority of the member states, and all rights, privileges and benefits
8 conferred by this compact may be terminated on the effective date of
9 termination. A cure of the default does not relieve the offending state
10 of obligations or liabilities incurred during the period of default.

11 (c) Termination of membership in the compact shall be imposed only af-
12 ter all other means of securing compliance have been exhausted. Notice
13 of intent to suspend or terminate shall be given by the commission to the
14 governor, the majority and minority leaders of the defaulting state's
15 legislature, and each of the member states.

16 (d) A state that has been terminated is responsible for all assess-
17 ments, obligations and liabilities incurred through the effective date
18 of termination, including obligations that extend beyond the effective
19 date of termination.

20 (e) The commission shall not bear any costs related to a state that is
21 found to be in default or that has been terminated from the compact, un-
22 less agreed upon in writing between the commission and the defaulting
23 state.

24 (f) The defaulting state may appeal the action of the commission by pe-
25 titioning the United States district court for the District of Columbia
26 or the federal district where the commission has its principal offices.
27 The prevailing member shall be awarded all costs of such litigation, in-
28 cluding reasonable attorney's fees.

29 (3) ~~Dispute Resolution~~ resolution.

30 (a) Upon request by a member state, the commission shall attempt to re-
31 solve disputes related to the compact that arise among member states and
32 between member and nonmember states.

33 (b) The commission shall promulgate a rule providing for both mediation
34 and binding dispute resolution for disputes as appropriate.

35 (4) Enforcement.

36 (a) The commission, in the reasonable exercise of its discretion, shall
37 enforce the provisions and rules of this compact.

38 (b) By majority vote, the commission may initiate legal action in the
39 United States district court for the District of Columbia or the fed-
40 eral district where the commission has its principal offices against
41 a member state in default to enforce compliance with the provisions of
42 the compact and its promulgated rules and bylaws. The relief sought
43 may include both injunctive relief and damages. In the event judicial
44 enforcement is necessary, the prevailing member shall be awarded all
45 costs of such litigation, including reasonable attorney's fees.

46 (c) The remedies herein shall not be the exclusive remedies of the com-
47 mission. The commission may pursue any other remedies available under
48 federal or state law.

49 SECTION 25. That Section 56-1013P, Idaho Code, be, and the same is
50 hereby amended to read as follows:

1 ~~56-1013P~~ 46-1033N. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMIS-
2 SION FOR EMS PERSONNEL PRACTICE AND ASSOCIATED RULES, WITHDRAWAL AND AMEND-
3 MENT. (1) The compact shall come into effect on the date on which the com-
4 pact statute is enacted into law in the tenth member state. The provisions,
5 which become effective at that time, shall be limited to the powers granted
6 to the commission relating to assembly and the promulgation of rules. There-
7 after, the commission shall meet and exercise rulemaking powers necessary to
8 the implementation and administration of the compact.

9 (2) Any state that joins the compact subsequent to the commission's
10 initial adoption of the rules shall be subject to the rules as they exist
11 on the date on which the compact becomes law in that state. Any rule that
12 has been previously adopted by the commission shall have the full force and
13 effect of law on the day the compact becomes law in that state.

14 (3) Any member state may withdraw from this compact by enacting a
15 statute repealing the same.

16 (a) A member state's withdrawal shall not take effect until six (6)
17 months after enactment of the repealing statute.

18 (b) Withdrawal shall not affect the continuing requirement of the with-
19 drawing state's EMS authority to comply with the investigative and ad-
20 verse action reporting requirements of this act prior to the effective
21 date of withdrawal.

22 (4) Nothing contained in this compact shall be construed to invalidate
23 or prevent any EMS personnel licensure agreement or other cooperative ar-
24 rangement between a member state and a nonmember state that does not conflict
25 with the provisions of this compact.

26 (5) This compact may be amended by the member states. No amendment to
27 this compact shall become effective and binding upon any member state until
28 it is enacted into the laws of all member states.

29 SECTION 26. That Section 56-1013Q, Idaho Code, be, and the same is
30 hereby amended to read as follows:

31 ~~56-1013Q~~ 46-1033O. CONSTRUCTION AND SEVERABILITY. This compact shall
32 be liberally construed so as to effectuate the purposes thereof. If this
33 compact shall be held contrary to the constitution of any state member
34 thereto, the compact shall remain in full force and effect as to the remain-
35 ing member states. Nothing in this compact supersedes state law or rules
36 related to licensure of EMS agencies.

37 SECTION 27. That Section 56-1014, Idaho Code, be, and the same is hereby
38 amended to read as follows:

39 ~~56-1014~~ 46-1034. LIABILITY. (1) No act or omission of any person who is
40 duly licensed under sections ~~56-1011~~ 46-1028 through ~~56-1023~~ 46-1044, Idaho
41 Code, by the EMS bureau done or omitted in good faith while rendering emer-
42 gency medical services to a person or persons who are perceived to need im-
43 mediate care in order to prevent loss of life or aggravation of physiologi-
44 cal or psychological illness or injury shall impose any liability upon those
45 personnel, the supervising physician, the hospital, the organization pro-
46 viding the service, or ~~upon~~ a federal, state, county, city or other local
47 governmental unit, or upon employees of such governmental unit, unless such

1 provider of care or such personnel be shown to have caused injury and damages
 2 to such person or persons as a proximate result of ~~his, her or~~ their reckless
 3 or grossly negligent misconduct, which shall be the sole grounds for civil
 4 liability of such persons in the provision of care or assistance under sec-
 5 tions ~~56-1011~~ 46-1028 through ~~56-1023~~ 46-1044, Idaho Code, regardless of the
 6 circumstance under which such care or assistance may be provided. This sec-
 7 tion shall not relieve the organization or agency operating the service from
 8 the duty of securing, maintaining and operating, the equipment and licensure
 9 designated for use in performing the emergency medical services.

10 (2) The provisions of subsection (1) of this section shall apply to li-
 11 censed personnel of another state of the United States who enter this state
 12 in response to an emergency to render emergency medical services to a person
 13 who is perceived to need immediate care in order to prevent loss of life or
 14 aggravation of physiological or psychological illness or injury.

15 (3) No act or omission of any person authorized under this chapter to
 16 provide community health emergency medical services shall impose any li-
 17 ability upon such person or the person's agency or supervising physician
 18 where the act or omission occurs in the course of providing authorized ser-
 19 vices and is done or omitted in good faith, unless the person is shown to have
 20 caused injury as a result of reckless or grossly negligent misconduct.

21 SECTION 28. That Section 56-1015, Idaho Code, be, and the same is hereby
 22 amended to read as follows:

23 ~~56-1015~~ 46-1035. FAILURE TO OBTAIN CONSENT. No person licensed under
 24 sections ~~56-1011~~ 46-1028 through ~~56-1023~~ 46-1044, Idaho Code, or physician
 25 or hospital licensed in this state shall be subject to civil liability,
 26 based solely upon failure to obtain consent in rendering emergency medi-
 27 cal, surgical, hospital or health services to any individual regardless of
 28 age where that individual is unable to give this consent for any reason and
 29 there is no other person reasonably available who is legally authorized to
 30 consent to the providing of such care, ~~provided, however, that if~~ such per-
 31 son, physician, or hospital has acted in good faith and without knowledge of
 32 facts negating consent. The provision or refusal of consent under sections
 33 ~~56-1011~~ 46-1028 through ~~56-1023~~ 46-1044, Idaho Code, shall be governed by
 34 chapter 45, title 39, Idaho Code.

35 SECTION 29. That Section 56-1016, Idaho Code, be, and the same is hereby
 36 amended to read as follows:

37 ~~56-1016~~ 46-1036. AGENCY MINIMUM STANDARDS. (1) Each ambulance ser-
 38 vice, air medical service and nontransport service shall be licensed by the
 39 EMS bureau based on the level of licensed personnel it utilizes, transport
 40 capability and self-declared geographic coverage area and shall meet the
 41 following standards:

42 ~~(1) Personnel during transport or transfer --~~ (a) There shall be at
 43 least two (2) crew members on each patient transport or transfer, with
 44 the crew member delivering patient care being, at a minimum, a licensed
 45 emergency medical technician (EMT) or a licensed emergency medical re-
 46 sponder (EMR) with a valid ambulance certification issued by the EMS bu-
 47 reau.

1 ~~(2) Dispatch~~ -- (b) Each licensed EMS agency shall have a twenty-four
2 (24) hour dispatch arrangement and shall respond to calls on a twenty-
3 four (24) hour basis.

4 ~~(3) Agency inspections and licensing~~ -- (c) The EMS bureau shall con-
5 duct inspections at least annually related to agency licensing or shall
6 contract to have the inspections carried out. Each agency shall have a
7 current state license in order to operate.

8 ~~(4) Ambulance service minimum standards waiver~~ -- (d) The controlling
9 authority providing ambulance services may petition the ~~board~~ EMS bu-
10 reau for waiver of the ambulance standards of ~~section 56-1016(2), Idaho~~
11 Code, paragraph (b) of this subsection if compliance with these stan-
12 dards would cause undue hardship on the community being served, or would
13 result in abandonment of ambulance services.

14 ~~(5) Nontransport service minimum standards waiver~~ -- (e) The control-
15 ling authority providing nontransport services may petition the EMS
16 bureau for waiver of the twenty-four (24) hour response requirement of
17 this section if the petition demonstrates that the community, setting,
18 industrial site or event is not populated on a twenty-four (24) hour
19 basis or does not exist on a three hundred sixty-five (365) day per year
20 basis or if compliance with these standards would cause undue hardship
21 on the community being served, or would result in abandonment of non-
22 transport services.

23 ~~(6) Supervision~~ -- (f) A licensed physician shall supervise the med-
24 ical activities provided by licensed personnel affiliated with the
25 licensed agency, including, but not limited to: establishing standing
26 orders and protocols, reviewing performance of licensed personnel,
27 approving methods for licensed personnel to receive instructions for
28 patient care via radio, telephone or in person, and other oversight as
29 provided in the rules of the commission.

30 ~~(7)~~ (2) Applicants must submit the following information with their ap-
31 plications and agree to meet the following requirements as a condition of li-
32 censure:

33 (a) A declaration of anticipated applicant agency costs and revenues;
34 a statement of projected changes in response time; and a narrative
35 describing projected clinical benefits to patients resulting from li-
36 censure using methods defined in ~~board~~ EMS bureau rules concerning such
37 matters on an application provided by the EMS bureau; and

38 (b) Collect and report data to the EMS bureau upon receiving a license
39 using a data collection system that is validated as compliant by the na-
40 tional emergency medical services information system technical assis-
41 tance center in accordance with ~~board~~ EMS bureau rules.

42 ~~(8)~~ (3) The EMS bureau will provide notice of any such application to
43 all cities, counties and other units of local government that have any geo-
44 graphic coverage area in common with the applicant in accordance with ~~board~~
45 EMS bureau rules. Such notice will include a summary of the applicant data
46 supplied to the EMS bureau. Any other EMS bureau use of the cost and revenue
47 data supplied by applicants is limited exclusively to informational pur-
48 poses.

49 ~~(9)~~ (4) Appeal of a denial of an applicant's license will be governed by
50 ~~IDAPA 16.05.03, rules governing contested case proceedings and declaratory~~

1 ~~rulings~~ sections 67-5240 through 67-5280, Idaho Code, rules governing con-
2 tested cases.

3 SECTION 30. That Section 56-1018, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 ~~56-1018~~ 46-1037. EMERGENCY MEDICAL SERVICES FUND. There is hereby
6 created in the dedicated fund of the state treasury a fund known as the
7 ~~"Emergency Medical Services Fund."~~ emergency medical services fund. Sub-
8 ject to appropriation by the legislature, moneys in the fund shall be used
9 exclusively for the purposes of emergency medical services training, commu-
10 nications, vehicle and equipment grants, and other programs furthering the
11 goals of highway safety and emergency response providing medical services at
12 motor vehicle accidents.

13 SECTION 31. That Section 56-1018A, Idaho Code, be, and the same is
14 hereby amended to read as follows:

15 ~~56-1018A~~ 46-1038. EMERGENCY MEDICAL SERVICES FUND II. There is hereby
16 created in the dedicated fund of the state treasury a fund known as the emer-
17 gency medical services fund II. Subject to appropriation by the legislature,
18 moneys in the fund shall be used exclusively for the purposes of emergency
19 medical services.

20 SECTION 32. That Section 56-1018B, Idaho Code, be, and the same is
21 hereby amended to read as follows:

22 ~~56-1018B~~ 46-1039. EMERGENCY MEDICAL SERVICES FUND III. (1) There is
23 hereby created in the dedicated fund of the state treasury a fund known as
24 the emergency medical services fund III. Subject to appropriation by the
25 legislature, moneys in the fund shall be used for acquiring vehicles and
26 equipment, training, licensing expenses, communication technology, dis-
27 patch services, and costs, not to include personnel salaries, associated
28 with assuring the performance of planned coverage and emergency response,
29 including highway safety and emergency response to motor vehicle accidents.

30 (2) The bureau of emergency medical services of the ~~department of~~
31 health and welfare office shall be responsible for distributing moneys from
32 the fund to qualifying nonprofit and governmental entities that submit an
33 application for a grant from the fund. The bureau shall approve grants based
34 on the following criteria:

35 (a) The requesting entity is a nonprofit or governmental entity that
36 holds a current license as an ambulance or nontransport service issued
37 by the state of Idaho;

38 (b) The requesting entity has demonstrated need based on criteria es-
39 tablished by the bureau;

40 (c) The requesting entity has provided verification that it has re-
41 ceived the approval and endorsement of a fire district or city or county
42 within its service area;

43 (d) The requesting entity has certified that the title to any vehicle
44 purchased with funds from the fund shall be in the name of the fire dis-

1 trict or city or county that endorsed the application and shall submit
2 proof of titling as soon as practicable; and

3 (e) The state of Idaho shall retain a security interest in the vehicle
4 to secure the performance of the grant recipient to utilize the vehicle
5 consistent with the intent described in the application.

6 (3) Notwithstanding the requirements of subsection (2)(c) and (d) of
7 this section, the bureau of emergency medical services is authorized to ap-
8 prove and issue a grant to an applicant in the absence of an endorsement if
9 the endorsement is withheld without adequate justification.

10 SECTION 33. That Chapter 10, Title 46, Idaho Code, be, and the same is
11 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
12 ignated as Section 46-1040, Idaho Code, and to read as follows:

13 46-1040. EMERGENCY MEDICAL SERVICES SUSTAINABILITY FUND. (1) There is
14 hereby created and established in the state treasury the emergency medical
15 services sustainability fund. Moneys in the emergency medical services sus-
16 tainability fund, if appropriated by the legislature, are to be used to help
17 offset personnel and operating costs associated with assuring the avail-
18 ability of emergency medical services. The state treasurer shall invest
19 the idle moneys of the emergency medical services sustainability fund, and
20 the interest earned on such investments shall be retained by the emergency
21 medical services sustainability fund.

22 (2) The office of emergency management shall be responsible for dis-
23 tributing moneys from the emergency medical services sustainability fund
24 to qualifying entities that submit a grant application for moneys from such
25 fund. The office shall approve grant applications based on the following
26 criteria:

27 (a) The requesting entity is a nonprofit or governmental entity that
28 holds a current emergency medical services agency license issued by the
29 state of Idaho that authorizes the agency as a 911 response agency;

30 (b) The application clearly defines the requesting entity's service
31 area specific to 911 response;

32 (c) If the requesting entity is eligible to bill for service, the re-
33 questing entity shall certify that the requesting entity has billed
34 health insurance carriers for at least eighty percent (80%) of eligible
35 billable services provided in the previous year. If the entity is newly
36 licensed and does not have twelve (12) months of historical billing
37 information, the entity shall certify that it is currently billing and
38 will continue to bill health insurance carriers for at least eighty per-
39 cent (80%) of eligible services; and

40 (d) If the requesting entity fulfills the requirements of paragraphs
41 (a), (b), and (c) of this subsection, the county in which the request-
42 ing entity provides 911 response services may endorse the grant appli-
43 cation of the requesting entity. The county endorsing such grant appli-
44 cation shall have submitted a plan that has been approved by the bureau
45 of emergency medical services that specifies how emergency medical ser-
46 vices 911 responses shall be covered and coordinated throughout the en-
47 tire county.

1 SECTION 34. That Section 56-1020, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 ~~56-1020~~ 46-1041. PENALTIES FOR PERSONNEL LICENSE VIOLATIONS. Any
4 person who practices or attempts to practice EMS as a licensed provider of
5 emergency care as provided for in sections ~~56-1011~~ 46-1028 through ~~56-1023~~
6 46-1044, Idaho Code, without having at the time of so doing a valid, unex-
7 pired, unrestricted, unrevoked and unsuspended license issued by the EMS
8 bureau under sections ~~56-1011~~ 46-1028 through ~~56-1023~~ 46-1044, Idaho Code,
9 shall be guilty of a misdemeanor and shall be subject to a fine of not more
10 than five hundred dollars (\$500) or imprisonment for not more than six (6)
11 months, or both, for each violation. In the event that the prosecuting at-
12 torney in the county where the alleged violation occurred fails or refuses
13 to act within sixty (60) days of notification of the alleged violation, the
14 attorney general is authorized to prosecute the alleged violation.

15 SECTION 35. That Section 56-1021, Idaho Code, be, and the same is hereby
16 amended to read as follows:

17 ~~56-1021~~ 46-1042. PENALTIES FOR AGENCY LICENSE VIOLATIONS. Any person
18 establishing, conducting, managing or operating any agency as provided for
19 in sections ~~56-1011~~ 46-1028 through ~~56-1023~~ 46-1044, Idaho Code, without
20 a license issued by the EMS bureau under sections ~~56-1011~~ 46-1028 through
21 ~~56-1023~~ 46-1044, Idaho Code, shall be guilty of a misdemeanor and shall be
22 subject to a fine of not more than one thousand dollars (\$1,000) or impris-
23 onment for not more than six (6) months, or both. Each day of continuing
24 violation shall constitute a separate offense. In the event that the prose-
25 cuting attorney in the county where the alleged violation occurred fails or
26 refuses to act within sixty (60) days of notification of the alleged viola-
27 tion, the attorney general is authorized to prosecute the alleged violation.

28 SECTION 36. That Section 56-1022, Idaho Code, be, and the same is hereby
29 amended to read as follows:

30 ~~56-1022~~ 46-1043. PERSONNEL AND AGENCIES LICENSURE ACTIONS -- GROUNDS
31 -- PROCEDURE. (1) Subject to the provisions of chapter 52, title 67, Idaho
32 Code, the EMS bureau, upon recommendation of the commission, may deny a li-
33 cense or refuse to renew a license ~~for a person~~, or may suspend or revoke a
34 license or may impose probationary conditions, if the holder of a license or
35 the applicant for a license has engaged in unprofessional conduct ~~which~~ that
36 has endangered or is likely to endanger the health, welfare or safety of the
37 public. Such unprofessional conduct includes, but is not limited to:

- 38 (a) Obtaining a license by means of fraud, misrepresentation or con-
39 cealment of a material fact;
40 (b) Being found guilty of unprofessional conduct as defined by rule es-
41 tablished by the ~~board~~ EMS bureau;
42 (c) Being convicted of a crime ~~which~~ that would have a direct and
43 adverse bearing on the licensee's ability to practice or perform emer-
44 gency medical care competently;
45 (d) The unauthorized practice of medicine;

1 (e) Violating any provisions of sections ~~56-1011~~ 46-1028 through
 2 ~~56-1023~~ 46-1044, Idaho Code, or any of the rules established by the
 3 ~~board~~ EMS bureau or the commission thereunder; or

4 (f) Being found mentally incompetent by a court of competent jurisdic-
 5 tion.

6 (2) Subject to the provisions of chapter 52, title 67, Idaho Code, the
 7 EMS bureau may deny, revoke or refuse to renew a license of an agency, or may
 8 impose probationary conditions or fines as a condition of an agency's abil-
 9 ity to retain a license in accordance with ~~board~~ EMS bureau rule.

10 (3) A denial, refusal to renew, suspension, revocation or imposition
 11 of probationary conditions upon a license may be ordered by the EMS bureau
 12 after opportunity for a hearing in a manner provided by rule established by
 13 the ~~board~~ EMS bureau. An application for reinstatement may be filed with the
 14 EMS bureau one (1) year from the date of license revocation. In the event a
 15 timely application is filed, the EMS bureau shall:

16 (a) Hold a hearing to consider such reinstatement; and

17 (b) Accept or reject the application for reinstatement.

18 SECTION 37. That Section 56-1023, Idaho Code, be, and the same is hereby
 19 amended to read as follows:

20 ~~56-1023~~ 46-1044. RULES. (1) The commission is authorized and directed
 21 to adopt appropriate rules defining the allowable scope of practice and acts
 22 and duties which that can be performed by persons licensed by the EMS bureau
 23 and the required level of supervision by a licensed physician.

24 (2) The ~~board~~ EMS bureau is authorized and directed to adopt appropri-
 25 ate rules and standards concerning the administration of sections ~~56-1011~~
 26 ~~46-1028~~ through ~~56-1022~~ 46-1043 and this section, Idaho Code, including
 27 criteria for educational programs, certification and licensure of person-
 28 nel, certification of EMS instructors, licensure of ambulance, air medical
 29 and nontransport services, manufacturing standards for ambulances and non-
 30 transport vehicles, criteria for the use of air medical services by licensed
 31 EMS personnel at emergency scenes, establishment of fees for training, in-
 32 spections and licensure, appropriate requirements for renewal of licensure
 33 of personnel and agencies and the management of complaints, investigations
 34 and license actions against licensed EMS personnel and agencies. The rules
 35 of the ~~board~~ EMS bureau must be consistent with the rules adopted by the com-
 36 mission.

37 (3) Additionally, the ~~department~~ office shall develop guidelines,
 38 standards and procedures for reducing exposure to pathogens from human
 39 blood, tissue or fluids. Such guidelines, standards and procedures shall be
 40 made available to all law enforcement personnel, all emergency medical ser-
 41 vices personnel and agencies, and such other emergency personnel who request
 42 such information.

43 SECTION 38. That Section 56-1024, Idaho Code, be, and the same is hereby
 44 amended to read as follows:

45 ~~56-1024~~ 46-1045. IDAHO TIME SENSITIVE EMERGENCY SYSTEM OF CARE --
 46 STATEMENT OF INTENT. Time sensitive emergencies, specifically blunt trauma
 47 injuries, strokes and heart attacks, were three (3) of the top five (5)

1 causes of deaths in Idaho in 2011. Numerous studies throughout the United
 2 States have demonstrated that organized systems of care improve patient
 3 outcomes, thus reducing the frequency of preventable death and improving
 4 the functional status of the patient. The institute of medicine's report
 5 "Hospital-Based Emergency Care: At the Breaking Point" recommended improv-
 6 ing the care of critical illness through regionalization by transporting
 7 critically ill patients to designated specialized care centers when appro-
 8 priate. Early treatment and transfer when necessary will save the lives of
 9 Idahoans stricken with these emergency conditions. Trauma systems of care
 10 are well understood as they have existed in many other states for decades.
 11 It is the intent of this legislation to create an integrated and responsive
 12 system of care for Idaho citizens. The trauma component will serve as the
 13 initial framework in a deliberate, incremental implementation approach for
 14 a comprehensive system of care for time sensitive emergencies in Idaho. The
 15 time sensitive emergency system in Idaho is intended to be voluntary and
 16 inclusive. The system will be designed such that all facilities, and in
 17 particular critical access hospitals, have the opportunity to participate.
 18 No facility shall be excluded from receiving medically appropriate patients
 19 based solely on the facility's decision of not seeking designation.

20 SECTION 39. That Section 56-1025, Idaho Code, be, and the same is hereby
 21 amended to read as follows:

22 ~~56-1025~~ 46-1046. DEFINITIONS. As used in sections ~~56-1024~~ 46-1045
 23 through ~~56-1030~~ 46-1051, Idaho Code:

24 (1) "EMS agency" means any organization licensed by the EMS bureau that
 25 operates an air medical service, ambulance service or nontransport service.

26 (2) "EMS bureau" means the bureau of emergency medical services of the
 27 ~~department of health and welfare~~ office of emergency management.

28 (3) "Council" means the Idaho time sensitive emergency system council.

29 (4) "TSE" means time sensitive emergency, specifically trauma, stroke
 30 and heart attack.

31 SECTION 40. That Section 56-1026, Idaho Code, be, and the same is hereby
 32 amended to read as follows:

33 ~~56-1026~~ 46-1047. IDAHO TIME SENSITIVE EMERGENCY SYSTEM -- CRE-
 34 ATION. There is hereby created a voluntary time sensitive emergency system
 35 within the ~~department of health and welfare~~ office of emergency management.

36 SECTION 41. That Section 56-1027, Idaho Code, be, and the same is hereby
 37 amended to read as follows:

38 ~~56-1027~~ 46-1048. IDAHO TIME SENSITIVE EMERGENCY SYSTEM COUNCIL --
 39 CREATION -- COMPOSITION. (1) There is hereby created the Idaho time sensi-
 40 tive emergency system council hereinafter known as the "council." Council
 41 members shall be appointed by the governor ~~with the approval of the board of~~
 42 ~~health and welfare~~. Council members shall be selected to assure equitable
 43 geographic, rural and clinical specialty representation.

44 (2) The membership of the council shall include the following:

1 (a) One (1) representative from a facility that either holds or is seek-
 2 ing designation as an Idaho trauma center. The representative shall be
 3 the medical director, the coordinator or the program manager responsi-
 4 ble for the respective facility's trauma program;

5 (b) One (1) representative from a facility that either holds or is seek-
 6 ing designation as an Idaho stroke facility. The representative shall
 7 be the medical director, the coordinator or the program manager respon-
 8 sible for the respective facility's stroke program;

9 (c) One (1) representative from a facility that either holds or is seek-
 10 ing designation as an Idaho heart attack center. The representative
 11 shall be the medical director, the coordinator or the program manager
 12 responsible for the respective facility's heart attack program;

13 (d) One (1) representative from an EMS agency licensed by the depart-
 14 ment that serves a primarily urban response area;

15 (e) One (1) representative from an EMS agency licensed by the depart-
 16 ment that serves a primarily rural response area;

17 (f) One (1) representative from an air medical EMS agency licensed by
 18 the department;

19 (g) One (1) administrator of an Idaho hospital that either holds or is
 20 seeking Idaho trauma, stroke or heart attack designation;

21 (h) One (1) chief executive officer or administrator of an Idaho criti-
 22 cal access hospital that either holds or is seeking Idaho trauma, stroke
 23 or heart attack designation;

24 (i) One (1) licensed health care provider who routinely works in the
 25 emergency department of a hospital that serves a primarily urban area
 26 that either holds or is seeking trauma, stroke or heart attack designa-
 27 tion;

28 (j) One (1) licensed health care provider who routinely works in the
 29 emergency department of a hospital that serves a primarily rural area
 30 that either holds or is seeking trauma, stroke or heart attack designa-
 31 tion; and

32 (k) One (1) Idaho citizen with an interest in furthering the quality of
 33 trauma, stroke and heart attack care in Idaho.

34 (3) The chair of each regional TSE committee shall be added as a voting
 35 member of the council when the regional TSE committee is implemented and the
 36 chair is selected.

37 (4) Members of the council shall serve four (4) year terms with half of
 38 the members initially appointed, as determined by lot, serving two (2) year
 39 terms. If a vacancy occurs, the governor shall appoint a replacement to fill
 40 the unexpired term. Members may be reappointed and shall serve at the plea-
 41 sure of the governor.

42 (5) The governor shall appoint a chair who shall serve a term of two (2)
 43 years. The council may elect other officers as it may deem necessary and ap-
 44 propriate. The council shall meet at least semiannually and at the call of
 45 the chair.

46 SECTION 42. That Section 56-1028, Idaho Code, be, and the same is hereby
 47 amended to read as follows:

48 ~~56-1028~~ 46-1049. IDAHO TIME SENSITIVE EMERGENCY SYSTEM COUNCIL -- DU-
 49 TIES -- RULEMAKING. The duties of the council shall be as follows:

1 (1) Develop, implement and monitor a voluntary statewide system that
2 includes trauma, stroke and heart attack facilities;

3 (2) Provide oversight of the system, assuring adherence to standards
4 established by the council;

5 (3) Establish substate system regions that provide more effective ac-
6 cess to the system. In the designation of these regions, specific considera-
7 tion shall be given to geography and patient referral patterns for the facil-
8 ities and agencies included therein;

9 (4) Establish a regional TSE committee in each substate region;

10 (5) Develop the standards and criteria that each participating fa-
11 cility that voluntarily applies is required to meet concerning personnel,
12 equipment, resources, data collection and organizational capabilities to
13 obtain or maintain designation;

14 (6) Develop procedures for and establish the duration of the designa-
15 tion of a trauma, stroke or heart attack facility, including application
16 procedures, verification procedures, investigation of complaints pertain-
17 ing to designation and emergency suspension or revocation of designation;

18 (7) Develop operational procedures for the regional TSE committees;

19 (8) Facilitate the implementation of nationally accepted standards
20 throughout the voluntary system;

21 (9) Set procedures for the acquisition of data needed to successfully
22 manage the system;

23 (10) Promulgate rules to fulfill the purpose of this act; and

24 (11) Collaborate and cooperate with the EMS bureau, the EMS physician
25 commission, local governments, local EMS agencies and associations to ad-
26 dress recruitment and retention concerns of local EMS providers.

27 SECTION 43. That Section 56-1029, Idaho Code, be, and the same is hereby
28 amended to read as follows:

29 ~~56-1029~~ 46-1050. IDAHO TRAUMA, STROKE AND HEART ATTACK CENTERS -- DES-
30 IGNATION. (1) The council shall designate a hospital as a trauma, stroke or
31 heart attack center when such hospital, upon proper application and verifi-
32 cation, has been found by the council to meet the applicable level of trauma,
33 stroke or heart attack center criteria as established by the council.

34 (2) In developing trauma, stroke and heart attack center designation
35 criteria, the council shall use, as is practicable, appropriate peer-re-
36 viewed or evidence-based research, including, but not limited to, the most
37 recent guidelines of the American college of surgeons committee on trauma,
38 American college of cardiology and American heart association for heart at-
39 tack centers, or the joint commission's primary stroke center certification
40 program criteria for stroke centers, or primary and comprehensive stroke
41 center recommendations as published by the American stroke association or
42 other nationally recognized authoritative standards.

43 (3) Participation criteria shall be published in rules promulgated by
44 the council.

45 (4) The council shall conduct a periodic verification review of every
46 trauma, heart attack and stroke facility. Verification reviews shall be co-
47 ordinated for the different types of centers to the extent practicable with
48 hospital resources. No person who has a substantial conflict of interest

1 in the operation of any trauma, stroke and heart attack center under review
2 shall participate in the verification review of the facility.

3 (5) The council shall coordinate an on-site review as necessary to as-
4 sure that a hospital meets the criteria for the desired designation. The
5 council may waive an on-site review when a hospital has been verified by a
6 nationally recognized accrediting body to meet or exceed standards estab-
7 lished by the council.

8 (6) The council may deny, place on probation, suspend or revoke any des-
9 ignation when it has reasonable cause to believe that there has been mis-
10 representation or falsification of information or a substantial failure to
11 comply with the criteria for designation promulgated by the council. If the
12 council has reasonable cause to believe that a hospital is not in compliance
13 with such provisions, it may require the facility to submit additional docu-
14 mentation or undergo additional site reviews to verify compliance.

15 (7) No hospital may hold itself out to the public as an Idaho designated
16 trauma center, Idaho designated stroke facility or Idaho designated heart
17 attack facility unless it is designated as such by the council.

18 (8) A hospital aggrieved because of the council's decision shall be en-
19 titled to appeal to the council in the manner prescribed by the council and
20 shall be afforded reasonable notice and opportunity for a fair hearing.

21 (9) Actions of the council relating to adoption of rules, notice, hear-
22 ings, appeals from decisions of the department or the director, and review
23 shall be governed by the provisions of chapter 52, title 67, Idaho Code, the
24 administrative procedure act.

25 SECTION 44. That Section 56-1030, Idaho Code, be, and the same is hereby
26 amended to read as follows:

27 ~~56-1030~~ 46-1051. REGIONAL TIME SENSITIVE EMERGENCY COMMITTEES --
28 MEMBERSHIP -- DUTIES. (1) Pursuant to section ~~56-1028(4)~~ 46-1049(4), Idaho
29 Code, each substate region designated by the council shall have a time sensi-
30 tive emergency committee.

31 (2) Membership of each regional TSE committee shall be based on the
32 needs of the region and can be modified as the regional TSE committee deter-
33 mines, but each regional committee shall be initially comprised as follows:

34 (a) Each facility that is designated or is seeking designation by the
35 council as a trauma center, stroke facility or heart attack facility may
36 appoint one (1) representative for each of the designations that the fa-
37 cility holds or is seeking to hold to the regional committee for the re-
38 gion in which the facility is located;

39 (b) Each air medical EMS agency that provides patient transport within
40 the region may appoint one (1) representative;

41 (c) Each hospital that either holds or is seeking Idaho trauma, stroke
42 or heart attack designation may appoint the hospital administrator;

43 (d) Each EMS agency with a response area in the region may appoint one
44 (1) representative; and

45 (e) The regional committee shall include a pediatrician or an expert in
46 children's trauma.

47 (3) Members of a regional committee shall elect a chair to serve a term
48 of two (2) years.

49 (4) The duties of each regional committee shall be as follows:

- 1 (a) Implement care guidelines, policies, procedures and protocols for
 2 the regional TSE system;
 3 (b) Conduct regional quality improvement, including receipt of reports
 4 prepared by the council containing trauma, stroke and heart attack data
 5 and making recommendations to facilities within the region based upon
 6 those reports;
 7 (c) Advise the council concerning the statewide system;
 8 (d) Establish trauma, stroke and heart attack education and prevention
 9 programs;
 10 (e) Provide advice concerning trauma, stroke and heart attack care to
 11 health care facilities and other providers of health care;
 12 (f) Perform other duties required by Idaho ~~code~~ Code and council rules;
 13 and
 14 (g) Conduct other activities needed to ensure optimal delivery of
 15 trauma, stroke and heart attack care services within the region.

16 SECTION 45. That Section 57-2001, Idaho Code, be, and the same is hereby
 17 amended to read as follows:

- 18 57-2001. PURPOSE OF THE REGISTRY. (1) The specific issues to be iden-
 19 tified and evaluated through the TSE registry are:
 20 (a) Trauma, stroke and heart attack TSE surveillance;
 21 (b) Geographic patterns of trauma incidence;
 22 (c) Types of TSEs treated in hospitals in Idaho;
 23 (d) Areas or regions of the state where improvements in the emergency
 24 medical system may be needed;
 25 (e) Public education and prevention needs and efforts; and
 26 (f) Other factors to consider in recommending, designing or implement-
 27 ing a statewide TSE system.
 28 (2) The data collected by the TSE registry shall be of such a nature as
 29 to allow the department to identify at least the following:
 30 (a) Lack of access to care and improvement of the availability and de-
 31 livery of prehospital, hospital and post-acute TSE care;
 32 (b) Performance of the out-of-hospital and hospital emergency medical
 33 systems;
 34 (c) Costs of TSE care; and
 35 (d) Outcomes of persons who are victims of TSEs.
 36 (3) The ~~department~~ TSE council shall evaluate the data collected, as
 37 well as data collected from other relevant sources, and, beginning one (1)
 38 year after the effective date of this chapter, shall prepare an annual re-
 39 port. The data shall be used to regularly produce and disseminate aggregated
 40 and de-identified analytical reports and for recommending benchmark quality
 41 measures and outcomes and needed educational resources to the TSE ~~system of~~
 42 ~~care state board~~ council.

43 SECTION 46. That Section 57-2002, Idaho Code, be, and the same is hereby
 44 amended to read as follows:

- 45 57-2002. TSE REGISTRY -- DEFINITIONS. When used in this chapter:
 46 (1) "Confidential information" means information ~~which~~ that may iden-
 47 tify a patient, health care facility or health care practitioner.

1 (2) "Contractor" means that individual, partnership, corporation or
 2 other entity performing TSE registry services under a contractual agreement
 3 with the ~~department~~ EMS bureau.

4 (3) "De-identified information" means records and information con-
 5 tained in the TSE registry, including compilations and analyses thereof that
 6 do not contain information ~~which~~ that might identify a patient, health care
 7 facility or health care practitioner.

8 ~~(4) "Department" means the bureau of emergency medical services and~~
 9 ~~preparedness of the Idaho department of health and welfare.~~

10 ~~(5)~~ (4) "Heart attack" means STEMI, which is a common name for ST-ele-
 11 vation myocardial infarction, a more precise definition for a type of heart
 12 attack that is caused by a prolonged period of blocked blood supply that af-
 13 fects a large area of the heart and has a substantial risk of death and dis-
 14 ability calling for a quick response.

15 ~~(6)~~ (5) "Stroke" means an interruption of blood flow to the brain
 16 causing paralysis, slurred speech ~~and/or~~ or altered brain function usually
 17 caused by a blockage in a blood vessel that carries blood to the brain (is-
 18 chemic stroke) or by a blood vessel bursting (hemorrhagic).

19 ~~(7)~~ (6) "Trauma" is the result of an act or event that damages, harms or
 20 hurts a human being resulting in intentional or unintentional damage to the
 21 body resulting from acute exposure to mechanical, thermal, electrical, or
 22 chemical energy or from the absence of such essentials as heat or oxygen.

23 ~~(8)~~ (7) "TSE" means a time sensitive emergency, specifically trauma,
 24 heart attack or stroke.

25 ~~(9)~~ (8) "TSE registry" means the population-based data system that
 26 provides ongoing and systematic collection, analysis, interpretation, and
 27 dissemination of information related to trauma, stroke and heart attack
 28 for system improvement, prevention and research activities. Elements in
 29 the registry shall describe the nature and scope of the injury, illness
 30 or health condition, identify the incidence and prevalence of traumatic
 31 injury, illness or health condition, severity of injury, performance of
 32 out-of-hospital and hospital emergency medical systems, patient outcome,
 33 and the impact of trauma, stroke and heart attack on the health care system.

34 ~~(10)~~ (9) "TSE system" means the organized approach to treating injured
 35 patients that establishes and promotes standards for patient transporta-
 36 tion, equipment, and information analysis for effective and coordinated TSE
 37 care. TSE systems represent a continuum of care that is fully integrated
 38 into the emergency medical services system and is a coordinated effort be-
 39 tween out-of-hospital and hospital providers with the close cooperation of
 40 medical specialists in each phase of care. The focus is on prevention, coor-
 41 dination of acute care, and aggressive rehabilitation. Systems are designed
 42 to be inclusive of all patients with a TSE requiring acute care facilities,
 43 striving to meet the needs of the patient, regardless of the severity of
 44 injury, geographic location or population density. A TSE system seeks to
 45 prevent injuries from happening and the reduction of death and disability
 46 when it does happen.

47 SECTION 47. That Section 57-2003, Idaho Code, be, and the same is hereby
 48 amended to read as follows:

1 57-2003. ESTABLISHMENT OF TSE REGISTRY. The ~~department~~ EMS bureau, or
2 an authorized contractor of the ~~department~~ EMS bureau, shall:

3 (1) Establish a TSE registry to collect and analyze information on the
4 incidence, severity, causes and outcomes of TSEs, and other such data nec-
5 essary to evaluate trauma, strokes and heart attacks and the health system's
6 response to it;

7 (2) Establish the data elements and data dictionary, including child-
8 specific data elements that hospitals must report, and the time frame and
9 format for reporting by adoption of rules in the manner provided in chapter
10 52, title 67, Idaho Code;

11 (3) Support, where necessary, data collection and abstraction by pro-
12 viding:

13 (a) A data collection system and technical assistance to each hospital;
14 and

15 (b) Funding or, at the discretion of the ~~department~~ EMS bureau, person-
16 nel for collection and abstraction for each hospital.

17 SECTION 48. That Section 57-2004, Idaho Code, be, and the same is hereby
18 amended to read as follows:

19 57-2004. PARTICIPATION IN PROGRAM. (1) Each licensed hospital shall
20 report each case of TSE ~~which that~~ meets the inclusion criteria to the
21 ~~department~~ EMS bureau or the authorized contractor of the ~~department~~ EMS
22 bureau within one hundred eighty (180) days of treatment.

23 (2) Each report of TSE shall include information as defined by the
24 ~~department~~ EMS bureau.

25 (3) The ~~department~~ EMS bureau or authorized contractor of the
26 ~~department~~ EMS bureau shall have physical access to all records ~~which that~~
27 would identify reportable cases ~~and/or or~~ establish characteristics, treat-
28 ment or medical status of reportable cases in the event that there has been a
29 failure to report as delineated in subsections (1) and (2) of this section.

30 (4) Nothing in this chapter shall prevent the ~~department~~ EMS bureau or
31 authorized contractor from identifying and reporting cases using data link-
32 ages with death records, other registries, and other potential sources.

33 SECTION 49. That Section 57-2005, Idaho Code, be, and the same is hereby
34 amended to read as follows:

35 57-2005. CREATION OF TSE REGISTRY FUND -- PURPOSE. There is hereby
36 created and established in the state treasury a fund to be known as the "~~Time~~
37 ~~Sensitive Emergencies (TSE) Registry Fund~~" time sensitive emergencies (TSE)
38 registry fund, to which shall be deposited the revenues derived from grants,
39 appropriations or other sources of funds. All moneys now or hereafter in the
40 TSE registry fund are hereby dedicated for the purpose of contracting for and
41 obtaining the services of a continuous registry of all time sensitive emer-
42 gency incident patients in the state of Idaho and maintaining a cooperative
43 exchange of information with other states providing a similar TSE incident
44 registry. The ~~department of health and welfare~~ office of emergency man-
45 agement, bureau of emergency medical services ~~and preparedness~~, is charged
46 with the administration of this fund for the purposes specified herein. All

1 claims against the fund shall be examined, audited and allowed in the manner
2 now or hereafter provided by law for claims against the state of Idaho.

3 SECTION 50. That Section 57-2006, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 57-2006. CONFIDENTIALITY. (1) Information and records contained in
6 the TSE registry shall be kept confidential and may be released only as pro-
7 vided by this chapter and the rules of the ~~department~~ EMS bureau.

8 (2) The ~~department~~ EMS bureau and an authorized contractor may enter
9 into agreements to exchange confidential information with other TSE reg-
10 istries in order to obtain complete reports of Idaho residents treated in
11 other states and to provide information to other states regarding their
12 residents treated in Idaho. Agreements sharing information from the TSE
13 registry shall include a provision requiring the receiving agency to keep
14 such information confidential.

15 (3) The ~~department~~ EMS bureau and an authorized contractor may, in
16 their discretion, publish or furnish to health researchers and the public
17 de-identified information, including compilations and analyses thereof.

18 (4) The ~~department~~ EMS bureau and an authorized contractor may furnish
19 confidential information to other TSE registries, federal TSE programs, or
20 health researchers in order to perform and collaborate with research stud-
21 ies. Persons and entities receiving confidential information for research
22 purposes must comply with rules of the ~~department~~ EMS bureau relating to the
23 confidentiality of TSE registry records and information.

24 (5) The ~~department~~ EMS bureau and an authorized contractor may furnish
25 confidential information relating to a specific licensed hospital, includ-
26 ing compilations and analyses of such confidential information, to the spe-
27 cific licensed hospital to which it relates.

28 (6) TSE registry records and information shall not be available for
29 purposes of litigation except by order of the court. Any such order shall
30 contain such protective provisions as are reasonable and necessary to pre-
31 vent the public or further disclosure of the records and information and
32 shall contain a provision requiring the destruction of the records and in-
33 formation when no longer needed for the litigation.

34 SECTION 51. That Section 6-902A, Idaho Code, be, and the same is hereby
35 amended to read as follows:

36 6-902A. SUPERVISORY PHYSICIAN. (1) For purposes of this chapter only,
37 a supervisory physician shall be considered an employee.

38 (2) As used in this section:

39 (a) "Supervisory duties" means those administrative duties of a physi-
40 cian who supervises personnel affiliated with a licensed ambulance or
41 ~~non-transport~~ nontransport service including, but not limited to, dis-
42 ciplining and educating personnel, setting staffing levels, emergency
43 medical services system design, establishing patient care guidelines
44 and medical policies, compliance, establishing standing orders and
45 protocols, reviewing performance of personnel, quality management and
46 other reasonably necessary administrative duties.

1 (b) "Supervisory physician" means a physician licensed pursuant
 2 to chapter 18, title 54, Idaho Code, who supervises the activities
 3 of personnel affiliated with a licensed ambulance or ~~non-transport~~
 4 ~~port~~ nontransport service as described in section ~~56-1011~~ 46-1028,
 5 Idaho Code, et seq., when the licensed ambulance or ~~non-transport~~
 6 ~~nontransport~~ service is operated under the control of a governmental
 7 authority.

8 (3) The exceptions to liability set forth in sections 6-904, 6-904A and
 9 6-904B, Idaho Code, shall not be applicable to a claim against a supervisory
 10 physician for failure to properly perform supervisory duties. The liability
 11 limit contained in section 6-926, Idaho Code, shall not be applicable to
 12 a claim against a supervisory physician for failure to properly perform supervisory
 13 duties to the extent that such supervisory physician is covered by
 14 liability insurance exceeding that limit.

15 (4) Claims against a supervisory physician for failure to properly perform
 16 supervisory duties shall not be subject to the requirements of chapter
 17 10, title 6, Idaho Code.

18 SECTION 52. That Section 9-203, Idaho Code, be, and the same is hereby
 19 amended to read as follows:

20 9-203. CONFIDENTIAL RELATIONS AND COMMUNICATIONS. There are particular
 21 relations in which it is the policy of the law to encourage confidence and
 22 to preserve it inviolate; therefore, a person cannot be examined as a witness
 23 in the following cases:

24 (1) A husband cannot be examined for or against his wife, without her
 25 consent, nor a wife for or against her husband, without his consent; nor can
 26 either, during the marriage or afterwards, be, without the consent of the
 27 other, examined as to any communication made by one to the other during the
 28 marriage; but this exception does not apply to a civil action or proceeding
 29 by one against the other nor to a criminal action or proceeding for a crime
 30 committed by violence of one against the person of the other, nor does this
 31 exception apply to any case of physical injury to a child where the injury has
 32 been caused as a result of physical abuse or neglect by one or both of the par-
 33 ents, nor does this exception apply to any case of lewd and lascivious con-
 34 duct or attempted lewd and lascivious conduct where either party would oth-
 35 erwise be protected by this privilege.

36 (2) An attorney cannot, without the consent of his client, be exam-
 37 ined as to any communication made by the client to him, or his advice given
 38 thereon, in the course of professional employment. The word client used
 39 herein shall be deemed to include a person, a corporation or an association.

40 (3) A clergyman or priest cannot, without the consent of the person mak-
 41 ing the confession, be examined as to any confession made to him in his pro-
 42 fessional character in the course of discipline enjoined by the church to
 43 which he belongs.

44 (4) A physician or surgeon cannot, without the consent of his patient,
 45 be examined in a civil action as to any information acquired in attending the
 46 patient ~~which that~~ which was necessary to enable him to prescribe or act for the
 47 patient, provided, however, that:

48 (a) Nothing herein contained shall be deemed to preclude physicians
 49 from reporting ~~of~~ and testifying at all cases of physical injury to

1 children, where it appears the injury has been caused as a result of
 2 physical abuse or neglect by a parent, guardian or legal custodian of
 3 the child.

4 (b) Nothing herein contained shall be deemed to preclude physicians
 5 from testifying at all cases of physical injury to a person where it ap-
 6 pears the injury has been caused as a result of domestic violence.

7 (c) After the death of a patient, in any action involving the valid-
 8 ity of any will or other instrument executed, or claimed to have been
 9 executed, by him, conveying or transferring any real or personal prop-
 10 erty or incurring any financial obligation, such physician or surgeon
 11 may testify to the mental or physical condition of such patient and in so
 12 testifying may disclose information acquired by him concerning such pa-
 13 tient ~~which~~ that was necessary to enable him to prescribe or act for such
 14 deceased.

15 (d) Where any person or his heirs or representatives brings an action
 16 to recover damages for personal injuries or death, such action shall be
 17 deemed to constitute a consent by the person bringing such action that
 18 any physician who has prescribed for or treated said injured or deceased
 19 person and whose testimony is material in the action may testify.

20 (e) If the patient be dead and during his lifetime had not given such
 21 consent, the bringing of an action by a beneficiary, assignee or payee
 22 or by the legal representative of the insured to recover on any life,
 23 health or accident insurance policy shall constitute a consent by such
 24 beneficiary, assignee, payee or legal representative to the testimony
 25 of any physician who attended the deceased.

26 (5) A public officer cannot be examined as to communications made to him
 27 in official confidence when the public interests would suffer by disclosure.

28 (6) Any certificated counselor, psychologist, or psychological exam-
 29 iner duly appointed, regularly employed, and designated in such capacity by
 30 any public or private school in this state for the purpose of counseling stu-
 31 dents shall be immune from disclosing, without the consent of the student,
 32 any communication made by any student so counseled or examined in any civil
 33 or criminal action to which such student is a party. Such matters so communi-
 34 cated shall be privileged and protected against disclosure.

35 (7) Any parent, guardian or legal custodian shall not be forced to dis-
 36 close any communication made to them by their minor child or ward ~~to them~~
 37 concerning matters in any civil or criminal action to which such child or
 38 ward is a party. Such matters so communicated shall be privileged and pro-
 39 tected against disclosure; ~~excepting, however,~~ however, this section does not apply
 40 to a civil action or proceeding by one against the other nor to a criminal
 41 action or proceeding for a crime committed by violence of one against the
 42 person of the other, nor does this section apply to any case of physical in-
 43 jury to a minor child where the injury has been caused as a result of physical
 44 abuse or neglect by one or both of the parents, guardians or legal custodi-
 45 ans.

46 (8) (a) As used in this subsection:

47 (i) "First responder" means:

48 1. A peace officer as defined in section 19-5101(d), Idaho
 49 Code, when employed by a city, county, or the Idaho state po-
 50 lice;

- 1 2. A firefighter as defined in section 59-1302(16), Idaho
2 Code;
- 3 3. A volunteer emergency responder as defined in section
4 72-102(31), Idaho Code;
- 5 4. An emergency medical service (EMS) provider ~~certified by~~
6 ~~the department of health and welfare licensed by the EMS bu-~~
7 ~~reau pursuant to sections 56-1011 46-1028 through 56-1018B~~
8 46-1039, Idaho Code, and an ambulance-based clinician as
9 defined in the rules governing emergency medical services
10 as adopted by the ~~department of health and welfare~~ office of
11 emergency management; and
- 12 5. An emergency communications officer as defined in sec-
13 tion 19-5101(f), Idaho Code.
- 14 (ii) "Peer support counseling session" means a meeting conducted
15 by a peer support specialist, which meeting is held in response to
16 a critical incident, traumatic event, or other personal or profes-
17 sional wellness issue.
- 18 (iii) "Peer support specialist" means a person designated by a
19 public agency employing first responders to lead, moderate, or
20 assist in a peer support counseling session.
- 21 (b) Any peer support specialist or participant in a peer support coun-
22 seling session cannot disclose and shall not be forced to disclose a
23 communication made during or arising out of a peer support counseling
24 session without the consent of the person who made the communication or
25 about whom the communication was made, unless the communication:
26 (i) Involves a threat of suicide or a threat to commit a criminal
27 act;
28 (ii) Involves information required by law to be reported; or
29 (iii) Is an admission of criminal conduct.
- 30 (c) Any disclosure permitted by paragraph (b) of this subsection that
31 is made during or as part of court proceedings is subject to the rules of
32 the Idaho supreme court.
- 33 (9) A person employed by or volunteering at a nongovernmental domestic
34 or sexual violence program shall not, without the written and signed consent
35 of the recipient of services, be required to or compelled to disclose any
36 communication made between the person in the course of employment or volun-
37 teer services for the domestic or sexual violence program and a recipient of
38 the program's services or to disclose information or records about a recip-
39 ient of the services of a domestic or sexual violence program, provided that
40 disclosure of communications during or as part of court proceedings is sub-
41 ject to the rules of the Idaho supreme court. The provisions of this subsec-
42 tion shall not apply to communications made to a provider or employee during
43 medical services, medical procedures, medical exams, medical evaluations,
44 or forensic interviews.
- 45 (10) For purposes of this section:
46 (a) "Recipient" means any individual who has received or inquired about
47 receiving services or assistance from a domestic or sexual violence
48 program, including shelter, advocacy, counseling, or other services
49 offered by a domestic or sexual violence program.

1 (b) "Domestic or sexual violence program" means any nonprofit or-
2 ganization, nongovernmental organization, private entity, or tribe
3 or tribal organization that has as its primary purpose the operation
4 of shelters or supportive services for victims of domestic or sexual
5 violence and their dependents or counseling, advocacy, or self-help
6 services to victims of domestic or sexual violence.

7 SECTION 53. That Section 31-3908, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 31-3908. AMBULANCE DISTRICT AUTHORIZED -- DISTRICTS FORMED BEFORE
10 JULY 1, 2020. The provisions set forth in this section shall govern an ambu-
11 lance district formed prior to July 1, 2020:

12 (1) The county commissioners of any county shall, upon petition signed
13 by not less than fifty (50) qualified electors of said county, or any por-
14 tion thereof, which may exclude incorporated cities, undertake the follow-
15 ing procedure to determine the advisability of resolving to establish and
16 maintain an ambulance service district within the county as may be desig-
17 nated in the petition.

18 (a) A petition to form an ambulance service district shall be presented
19 to the county clerk and recorder. The petition shall be signed by not
20 less than fifty (50) of the resident real property holders within the
21 proposed district. The petition shall designate the boundaries of the
22 district.

23 (b) The petition shall be filed with the county clerk and recorder of
24 the county in which the signers of the petition are located. Upon the
25 filing of the petition, the county clerk shall examine the petition
26 and certify whether the required number of petitioners have signed the
27 petition. If the number of petition signers is sufficient, the clerk
28 shall transmit the petition to the board of county commissioners.

29 (c) Upon receipt of a duly certified petition, the board of county com-
30 missioners shall cause the text of the petition to be published once a
31 week for at least three (3) consecutive weeks in a newspaper of general
32 circulation within the county. With the publication of the petition,
33 there shall be published a notice of the time of the meeting of the board
34 of county commissioners when the petition will be considered stating
35 that all persons interested may appear and be heard. No more than five
36 (5) names attached to the petition shall appear in the publication and
37 notice, but the number of signatures shall be stated.

38 At the time of filing the petition, the sponsors thereof shall cause
39 to be deposited with the county clerk a sufficient sum of money to cover
40 the cost of publication of the petition and all necessary notices. If
41 the petition and notices are not published, the deposit shall be re-
42 turned to whomever deposited the funds, and if there is any surplus
43 remaining after paying for the publication as herein provided, it shall
44 be returned to the original depositors, and if a district is created,
45 the fees so expended are an obligation of the district and shall be re-
46 paid by the district to the depositors.

47 (d) At the time set for hearing the petition, the board of county com-
48 missioners shall hear all persons who desire to be heard relative to the
49 creation of an ambulance service district. The board of county commis-

1 sioners may, if they so desire and it appears desirable, adjourn the
2 meeting for not to exceed thirty (30) days to further hear the petition-
3 ers and protestants, if any. After the hearing or hearings, the board
4 of county commissioners shall adopt a resolution either creating the
5 proposed ambulance service district or denying the petition. When the
6 board of county commissioners creates an ambulance service district,
7 the board shall adopt a resolution describing the boundaries of the dis-
8 trict.

9 (e) When the board of county commissioners adopts the resolution creat-
10 ing the ambulance service district, the board shall include in the reso-
11 lution the name of the district and file a copy of the order creating the
12 district with the county clerk and recorder, for which the clerk shall
13 receive a fee of three dollars (\$3.00).

14 (f) Procedures for annexation, deannexation, or dissolution of a dis-
15 trict created pursuant to this section shall be in substantial compli-
16 ance with the provisions for public notice and hearing provided herein
17 and shall be, by resolution, adopted by the board of county commission-
18 ers.

19 (2) When the board of county commissioners has ordered the creation of
20 an ambulance service district, pursuant to the provisions of this section,
21 such district is hereby recognized as a legal taxing district, and providing
22 ambulance service is a governmental function.

23 (3) The board of county commissioners shall be the governing board of an
24 ambulance service district created pursuant to this section and shall exer-
25 cise the duties and responsibilities provided in chapter 39, title 31, Idaho
26 Code.

27 (4) In any county where an ambulance service district is created as pro-
28 vided herein, the board of county commissioners is authorized to levy a spe-
29 cial tax, not to exceed four-hundredths percent (.04%) of market value for
30 assessment purposes, except as authorized by paragraph (a) of this subsec-
31 tion, upon all taxable property within the district for the purposes of the
32 district, but the levy otherwise authorized in section 31-3901, Idaho Code,
33 shall not be made on taxable property within the district.

34 (a) In any county where an ambulance service district:

35 (i) Was created as of January 1, 1976;

36 (ii) Had at the time of its creation a market value for assessment
37 purposes of the district of less than three hundred million dol-
38 lars (\$300,000,000); and

39 (iii) The service provided by the district is an advanced life sup-
40 port paramedic unit;

41 the board of county commissioners may submit to the electors within the
42 district the question of whether the levy authorized in this subsec-
43 tion may be increased to a levy not to exceed six-hundredths percent
44 (.06%) of market value for assessment purposes upon all taxable prop-
45 erty within the district for the purposes of the district, if approved
46 by a minimum of two-thirds (2/3) of the qualified electors of the dis-
47 trict voting at an election called for that purpose and held on the May
48 or November dates provided in section 34-106, Idaho Code, but the levy
49 otherwise authorized in section 31-3901, Idaho Code, shall not be made
50 on taxable property within the district.

1 (5) The board of county commissioners is authorized by resolution to
 2 create an ambulance district capital improvement account. The board may
 3 dedicate all or a portion of the fees and taxes collected pursuant to this
 4 chapter to the capital improvement account for the purpose of purchasing
 5 necessary buildings, land or equipment for the operation of the district.
 6 The board is further authorized to carry over and add to the funds in the
 7 account from year to year in order to make the purchases authorized by this
 8 subsection.

9 (6) The board of county commissioners is authorized by resolution to
 10 enter into cooperative agreements with other adjoining counties, adjoining
 11 fire protection districts, or other adjoining political subdivisions in
 12 Idaho or in other states in order to pool resources and increase efficiency
 13 and improve emergency medical services.

14 (7) As used in this chapter, "ambulance district" or "ambulance service
 15 district" means a political subdivision formed to provide ambulance trans-
 16 port, emergency medical services as defined in section ~~56-1012~~ 46-1029,
 17 Idaho Code, community health emergency medical services as defined in sec-
 18 tion ~~56-1012~~ 46-1029, Idaho Code, ~~and/or~~ or other activities necessary to
 19 meet the community health needs of the district.

20 SECTION 54. That Section 33-4302, Idaho Code, be, and the same is hereby
 21 amended to read as follows:

22 33-4302. ARMED FORCES AND PUBLIC SAFETY OFFICER SCHOLARSHIPS.

23 (1) (a) The following individuals shall be eligible for the scholarship
 24 program provided for in this section:

25 (i) Any spouse or child of any Idaho resident who entered active
 26 service as an Idaho resident as indicated on a DD form 214 cer-
 27 tificate of release or discharge from active duty and, while such
 28 service member is, or was if deceased, a resident of the state of
 29 Idaho:

- 30 1. Has been determined by the federal government to be a
- 31 prisoner of war or missing in action; or
- 32 2. Died of, or is determined to be unemployable due to, in-
- 33 juries or wounds sustained during active duty or inactive
- 34 duty training;

35 (ii) Any spouse or child of any member of the United States armed
 36 forces who is stationed in the state of Idaho on military orders
 37 and who:

- 38 1. Is deployed from the state of Idaho to any area of armed
- 39 conflict in which the United States is a party and who has
- 40 been determined by the federal government to be a prisoner of
- 41 war or missing in action or has died of, or is determined to
- 42 be unemployable due to, injuries or wounds sustained in ac-
- 43 tion as a result of such deployment; or
- 44 2. Dies of, or is determined to be unemployable due to, in-
- 45 juries or wounds sustained during active duty or inactive
- 46 duty training; and

47 (iii) Any spouse or child of a full-time or part-time public safety
 48 officer, as defined in paragraph (b) of this subsection, employed
 49 by or volunteering for the state of Idaho or for a political sub-

1 division of the state of Idaho, which public safety officer is or
 2 was a resident of the state of Idaho at the time such officer was
 3 killed or totally and permanently disabled in the line of duty.
 4 The scholarship provided for in this section shall not be avail-
 5 able unless it is determined that:

- 6 1. The death or disablement of the public safety officer oc-
 7 curred in the performance of the officer's duties;
- 8 2. The death or disablement was not caused by the inten-
 9 tional misconduct of the public safety officer or by such
 10 officer's intentional infliction of injury; and
- 11 3. The public safety officer was not voluntarily intoxi-
 12 cated at the time of death.

13 (b) As used in this section:

14 (i) "Active duty" means state active duty as defined in section
 15 46-409, Idaho Code, or full-time duty with any of the United States
 16 armed forces.

17 (ii) "Inactive duty training" means training or maintenance ac-
 18 tivities prescribed, required, or authorized for military members
 19 that do not constitute active duty.

20 (iii) "Military member" means a member of the United States armed
 21 forces.

22 (iv) "Public safety officer" means a peace officer, a fire-
 23 fighter, a paramedic as defined in section ~~56-1012~~ 46-1029, Idaho
 24 Code, or an emergency medical responder, emergency medical tech-
 25 nician, or advanced emergency medical technician as defined in
 26 section ~~56-1012~~ 46-1029, Idaho Code.

27 (v) "United States armed forces" means the air force, army, coast
 28 guard, marine corps, navy, or space force, or the reserve compo-
 29 nent of any such service.

30 (vi) "Volunteering" means contributing services as a bona fide
 31 member of a legally organized law enforcement agency, fire depart-
 32 ment, or licensed emergency medical service provider organiza-
 33 tion.

34 (2) (a) To be eligible for the scholarship provided for in this section,
 35 a child of a military member or a public safety officer must be a res-
 36 ident of the state of Idaho and must have completed secondary school
 37 or its equivalent in the state of Idaho. A child already born, or born
 38 after a military member or public safety officer is determined to be
 39 imprisoned or missing in action, or dies or becomes totally and perma-
 40 nently disabled, shall be eligible for this scholarship.

41 (b) To be eligible for the scholarship provided for in this section,
 42 the spouse of a military member or public safety officer must be a res-
 43 ident of the state of Idaho and must have been married to such person at
 44 the time the military member or public safety officer was determined to
 45 be imprisoned or missing in action or died or became totally and perma-
 46 nently disabled. However, in the situation of disability, the spouse
 47 must be currently married to such person.

48 (3) An eligible individual who applies for the scholarship provided
 49 for in this section shall, after verification of eligibility, receive the
 50 scholarship and be admitted to attend undergraduate studies at any public

1 institution of higher education or public career technical college within
 2 the state of Idaho without the necessity of paying tuition and fees therefor;
 3 such student shall be provided with books, equipment, and supplies necessary
 4 for pursuit of such program of enrollment not to exceed seven hundred fifty
 5 dollars (\$750) per quarter, semester, intensified semester, or like edu-
 6 cational period; and such student shall be furnished on-campus institution
 7 housing and subsistence for each month he or she is enrolled full-time under
 8 this program and actually resides in such on-campus facility. However, such
 9 undergraduate educational benefits shall not exceed a total of thirty-six
 10 (36) months or four (4) nine (9) month periods. Effective July 1, 2022, the
 11 initiation of such educational benefits shall extend for a period of nine-
 12 teen (19) years after achieving a high school diploma or its equivalency or
 13 for a period of ten (10) years after the event giving rise to the eligibility
 14 for the scholarship, whichever is longer.

15 (4) The eligible individual shall meet such other educational qualifi-
 16 cations as such institution of higher education or career technical college
 17 has established for other prospective students of this state, as well as any
 18 additional educational qualifications established by the state board of ed-
 19 ucation and board of regents of the university of Idaho.

20 (5) Application for eligibility under this section shall be made to the
 21 state board of education and the board of regents of the university of Idaho
 22 or the state board for career technical education. The board shall verify
 23 the eligibility of the applicant and communicate such eligibility to such
 24 person and the affected institution or college.

25 (6) Affected institutions shall in their preparation of future budgets
 26 include costs resultant from such tuition, fee, book, equipment, supply,
 27 housing and subsistence loss for reimbursement from appropriations of state
 28 funds.

29 (7) For purposes of this section, a member of the United States armed
 30 forces is considered unemployable if at the time of application:

31 (a) The United States department of veterans affairs has made a deter-
 32 mination of individual unemployability; or

33 (b) The United States social security administration has made or recog-
 34 nized a determination of total and permanent disability, and the deter-
 35 mination is based on injuries or wounds sustained during active duty or
 36 inactive duty training.

37 (8) For the purposes of this section, a public safety officer is consid-
 38 ered totally and permanently disabled if at the time of application a current
 39 disability determination made by the public employee retirement system of
 40 Idaho is in effect with respect to such individual.

41 (9) The state board of education and board of regents of the university
 42 of Idaho may adopt rules to implement and administer the scholarship program
 43 provided for in this section.

44 SECTION 55. That Section 39-1392a, Idaho Code, be, and the same is
 45 hereby amended to read as follows:

46 39-1392a. DEFINITIONS. The following terms shall have the following
 47 meanings when used in this section:

48 (1) "Emergency medical services personnel" means emergency medi-
 49 cal services providers ~~certified by the department of health and welfare~~

1 licensed by the EMS bureau pursuant to section 56-1011 46-1028 et seq.,
2 Idaho Code, and ambulance-based clinicians as defined in the rules governing
3 emergency medical services as promulgated by the department of health and
4 welfare office of emergency management.

5 (2) "Group medical practice" means a partnership, corporation, limited
6 liability company, or other association formed for the purpose of offering
7 health care services through physicians and other licensed or otherwise au-
8 thorized health care providers who are partners, shareholders, members, em-
9 ployees, or contractors of such group medical practice.

10 (3) "Health care organization" means a hospital, in-hospital medical
11 staff committee, medical society, managed care organization, licensed emer-
12 gency medical service, group medical practice, residential care facility or
13 skilled nursing facility.

14 (4) "Hospital" means a facility in Idaho licensed under sections
15 39-1301 through 39-1314, Idaho Code, and defined in section 39-1301 (a) (1),
16 Idaho Code.

17 (5) "In-hospital medical staff committees" means any individual doctor
18 who is a hospital staff member, or any hospital employee, or any group of such
19 doctors and/or hospital employees, who are duly designated a committee by
20 hospital staff bylaws, by action of an organized hospital staff, or by action
21 of the board of directors of a hospital, and which committee is authorized
22 by said bylaws, staff or board of directors, to conduct research or study of
23 hospital patient cases, or of medical questions or problems using data and
24 information from hospital patient cases.

25 (6) "Licensed emergency medical service" means an ambulance service or
26 a nontransport service licensed by the ~~department of health and welfare~~ EMS
27 bureau pursuant to section 56-1011 46-1028 et seq., Idaho Code.

28 (7) "Managed care organization" means a public or private person or or-
29 ganization ~~which~~ that offers a managed care plan.

30 (8) "Managed care plan" means a contract of coverage given to an indi-
31 vidual, family or group of covered individuals pursuant to which a member is
32 entitled to receive a defined set of health care benefits through an orga-
33 nized system of health care providers in exchange for defined consideration
34 and which requires the member to use, or creates financial incentives for the
35 member to use, health care providers owned, managed, employed by or under
36 contract with the managed care organization.

37 (9) "Medical society" means any duly constituted, authorized and rec-
38 ognized professional society or entity made up of physicians licensed to
39 practice medicine in Idaho, having as its purpose the maintenance of high
40 quality in the standards of health care provided in Idaho or any region or
41 segment of the state, operating with the approval of the Idaho state board
42 of medicine, or any official committee appointed by the Idaho state board of
43 medicine.

44 (10) "Patient care records" means written or otherwise recorded, pre-
45 served and maintained records of the medical or surgical diagnostic, clinical,
46 or therapeutic care of any patient treated by or under the direction of
47 licensed professional personnel, including emergency medical services per-
48 sonnel, in every health care organization subject to this act, whether as an
49 inpatient or outpatient of the health care organization.

1 (11) "Peer review" means the collection, interpretation and analysis of
 2 data by a health care organization for the purpose of bettering the system
 3 of delivery of health care or to improve the provision of health care or to
 4 otherwise reduce patient morbidity and mortality and improve the quality of
 5 patient care. Peer review activities by a health care organization include,
 6 without limitation:

7 (a) Credentialing, privileging or affiliating of health care providers
 8 as members of, or providers for, a health care organization;

9 (b) Quality assurance and improvement, patient safety investigations
 10 and analysis, patient adverse outcome reviews, and root-cause analysis
 11 and investigation activities by a health care organization; and

12 (c) Professional review action, meaning an action or recommendation
 13 of a health care organization which is taken or made in the conduct of
 14 peer review, that is based on the competence or professional conduct of
 15 an individual physician or emergency medical services personnel where
 16 such conduct adversely affects or could adversely affect the health
 17 or welfare of a patient or the physician's privileges, employment or
 18 membership in the health care organization or in the case of emergency
 19 medical services personnel, the emergency medical services personnel's
 20 scope of practice, employment or membership in the health care organ-
 21 ization.

22 (12) "Peer review records" means all evidence of interviews, reports,
 23 statements, minutes, memoranda, notes, investigative graphs and compila-
 24 tions and the contents thereof, and all physical materials relating to peer
 25 review of any health care organization. "Peer review records" does not mean
 26 or include patient care records; provided however, that the records relating
 27 to the identification of which particular patient care records were selected
 28 for, or reviewed, examined or discussed in peer review by a health care or-
 29 ganization and the methodology used for selecting such records shall be con-
 30 sidered peer review records.

31 (13) "Skilled nursing facility" means a facility licensed under chapter
 32 13, title 39, Idaho Code, to provide skilled care to recipients.

33 SECTION 56. That Section 39-4703, Idaho Code, be, and the same is hereby
 34 amended to read as follows:

35 39-4703. DEFINITIONS. As used in this chapter:

36 (1) "Accident" means any event that results in an unintended injury or
 37 property damage attributable directly or indirectly to the motion of a motor
 38 vehicle or its load, a snowmobile, or special mobile equipment.

39 (2) "Department" means the department of health and welfare.

40 (3) "Driver" means every person who drives or is in actual physical con-
 41 trol of a vehicle.

42 (4) "Emergency medical responder" means:

43 (a) Emergency medical services licensed personnel as defined in sec-
 44 tion ~~56-1012(19)~~ 46-1029(17), Idaho Code; or

45 (b) A physician, nurse, or other health care provider on the scene of
 46 a motor vehicle accident or emergency situation as provided in section
 47 39-4708, Idaho Code, or who is accompanying or attending a patient re-
 48 moved from such an accident or emergency situation in an ambulance.

1 (5) "Motor vehicle" or "vehicle" means every vehicle that is self-pro-
2 pelled and, for the purpose of titling and registration, meets federal mo-
3 tor vehicle safety standards as defined in section 49-107, Idaho Code. Motor
4 vehicle does not include vehicles moved solely by human power, electric per-
5 sonal assistive mobility devices, personal delivery devices, electric-as-
6 sisted bicycles, and motorized wheelchairs or other such vehicles that are
7 specifically exempt from titling or registration requirements under title
8 49, Idaho Code.

9 (6) "Other responder" means a firefighter, peace officer, or other law
10 enforcement personnel on the scene.

11 (7) "Peace officer" means any employee of a police or law enforcement
12 agency that is a part of or administered by the state or any political subdivi-
13 sion thereof and whose duties include and primarily consist of the preven-
14 tion and detection of crime and the enforcement of penal, traffic, or highway
15 laws of this state or any political subdivision of this state.

16 (8) "Yellow dot motor vehicle medical information program" or "yellow
17 dot program" means the program established pursuant to this chapter.

18 SECTION 57. That Section 49-306, Idaho Code, be, and the same is hereby
19 amended to read as follows:

20 49-306. APPLICATION FOR DRIVER'S LICENSE, INSTRUCTION PERMIT,
21 COMMERCIAL LEARNER'S PERMIT OR RESTRICTED SCHOOL ATTENDANCE DRIVING PER-
22 MIT. (1) Every application for any instruction permit, restricted school
23 attendance driving permit, or ~~for a~~ driver's license shall be made ~~upon~~ on
24 a form furnished by the department and shall be verified by the applicant
25 before a person authorized to administer oaths. Officers and employees of
26 the department, agents authorized by the department, and sheriffs and their
27 deputies are authorized to administer the oaths without charge. Every ap-
28 plication for a permit, extension or driver's license shall be accompanied
29 by the following fee, none of which is refundable:

- 30 (a) Class A, B, C (4-year) license with endorsements --
- 31 age 21 years and older\$40.00
- 32 (b) Class A, B, C (3-year) license with endorsements --
- 33 age 18 to 21 years\$30.00
- 34 (c) Class A, B, C (1-year) license with endorsements --
- 35 age 20 years\$15.00
- 36 (d) Class D (3-year) license -- under age 18 years\$30.00
- 37 (e) Class D (3-year) license -- age 18 to 21 years\$30.00
- 38 (f) Class D (1-year) license -- age 17 years or age 20 years\$20.00
- 39 (g) Four-year Class D license -- age 21 years and older\$35.00
- 40 (h) Eight-year Class D license -- age 21 to 63 years\$60.00
- 41 (i) Commercial learner's permit\$29.00
- 42 (j) Class D instruction permit or supervised instruction permit
- 43\$20.00
- 44 (k) Duplicate driver's license or permit issued under
- 45 section 49-318, Idaho Code\$20.00
- 46 (l) Driver's license extension issued under section
- 47 49-319, Idaho Code\$10.00
- 48 (m) License classification change (upgrade)\$30.00
- 49 (n) Endorsement addition\$20.00

- 1 (o) Class A, B, C skills tests, not more than\$200.00
- 2 (p) Class D skills test, not more than\$35.00
- 3 (q) Motorcycle endorsement skills test, not more than\$25.00
- 4 (r) Knowledge test\$ 5.00
- 5 (s) Seasonal driver's license\$44.00
- 6 (t) Onetime motorcycle "M" endorsement\$15.00
- 7 (u) Motorcycle endorsement instruction permit\$15.00
- 8 (v) Restricted driving permit or restricted school attendance
- 9 driving permit\$60.00

10 (2) A person who applies for a driver's license or a driver's license
 11 renewal may designate a voluntary contribution of two dollars (\$2.00) for
 12 the purpose of promoting and supporting organ donation. Such a contribution
 13 shall be treated as a voluntary contribution to the organ donation contribu-
 14 tion fund created in section 49-2447, Idaho Code, and not as a driver's li-
 15 cense fee.

16 (3) Every application shall state the applicant's true and full name,
 17 date of birth, sex, declaration of Idaho residency, Idaho residence address
 18 and mailing address, if different, ~~of the applicant,~~ height, weight, hair
 19 color, ~~and~~ eye color, and ~~the applicant's~~ social security number as verified
 20 by the social security administration. If an applicant has submitted an ap-
 21 plication pursuant to the provisions of chapter 58, title 19, Idaho Code,
 22 then the applicant may state, in his or her application pursuant to this sec-
 23 tion, the applicant's alternative Idaho mailing address in place of his or
 24 her Idaho residence address and mailing address. Notwithstanding the pro-
 25 visions of section 49-303(13), Idaho Code, an applicant for a nondomiciled
 26 class A, B or C driver's license or nondomiciled commercial learner's per-
 27 mit having residency in a state that is prohibited from issuing class A, B or
 28 C driver's licenses or commercial learner's permits, as provided in 49 CFR
 29 384, is excepted from providing proof of Idaho residency and an Idaho mailing
 30 address.

31 (a) The requirement that an applicant provide a social security number
 32 as verified by the social security administration shall apply only to
 33 applicants who have been assigned a social security number.

34 (b) An applicant who has not been assigned a social security number
 35 shall:

36 (i) Present written verification from the social security admin-
 37 istration that the applicant has not been assigned a social secu-
 38 rity number; and

39 (ii) Submit a birth certificate, passport or other documentary
 40 evidence issued by an entity other than a state or the United
 41 States; and

42 (iii) Submit such proof as the department may require that the ap-
 43 plicant is lawfully present in the United States.

44 A driver's license, commercial learner's permit or any instruction
 45 permit issued on and after January 1, 1993, shall not contain an appli-
 46 cant's social security number. Applications on file shall be exempt
 47 from disclosure except as provided in sections 49-202, 49-203, 49-203A
 48 and 49-204, Idaho Code.

1 (c) Every application for a class A, B or C license shall state where the
 2 applicant has been licensed for the preceding ten (10) years and under
 3 which of the following driving categories the applicant will operate:

4 (i) Non-excepted interstate. The applicant operates or expects
 5 to operate in interstate commerce, and is required to provide a
 6 medical examiner's certificate;

7 (ii) Excepted interstate. The applicant operates or expects to
 8 operate in interstate commerce, but engages exclusively in trans-
 9 portation or operations excepted by the federal motor carrier
 10 safety administration from all or parts of the qualification re-
 11 quirements of federal motor carrier safety regulation 49, part
 12 391, and is therefore not required to provide a medical examiner's
 13 certificate;

14 (iii) Non-excepted intrastate. The applicant operates only in
 15 intrastate commerce and is subject to and meets all Idaho driver
 16 qualification requirements and the applicable parts of federal
 17 motor carrier safety regulation 49, part 391, and is required to
 18 provide a medical examiner's certificate; or

19 (iv) Excepted intrastate. The applicant operates in intrastate
 20 commerce, but engages exclusively in exempted transportation or
 21 operations as listed in section 67-2901B(2), Idaho Code, and the
 22 applicable parts of federal motor carrier safety regulation 49,
 23 part 391, and is therefore not required to provide a medical exam-
 24 iner's certificate.

25 All applications shall also state whether the applicant has previously
 26 been licensed as a driver, and, if so, when and by what state or country,
 27 and whether a driver's license or privileges have ever been suspended,
 28 revoked, denied, disqualified, canceled, or whether an application has
 29 ever been refused, and, if so, the date of and reason for the suspension,
 30 revocation, denial, disqualification, cancellation, or refusal and the
 31 applicant's oath that all information is correct as signified by the ap-
 32 plicant's signature.

33 (d) The applicant must submit proof of identity and citizenship sta-
 34 tus acceptable to the examiner or the department and date of birth as
 35 set forth in a certified copy of his birth certificate. When a certified
 36 copy of his birth certificate or a delayed birth certificate is impossi-
 37 ble to obtain from a vital statistics agency, another government-issued
 38 document may be submitted that provides satisfactory evidence of a per-
 39 son's full legal name and date of birth acceptable to the examiner or the
 40 department.

41 (e) Every applicant for a class A, B or C driver's license or commer-
 42 cial learner's permit shall provide proof of United States citizenship
 43 or lawful permanent residency in the United States upon application for
 44 issuance, transfer, upgrade or renewal, unless the applicant's driving
 45 record already contains documentation confirming United States citi-
 46 zenship or lawful permanent residency. Every applicant for a nondomi-
 47 ciled class A, B or C driver's license or commercial learner's permit
 48 domiciled in a foreign country must provide an unexpired employment au-
 49 thorization document issued by the department of homeland security or

1 an unexpired foreign passport accompanied by an approved I-94 form doc-
2 umenting the applicant's most recent admittance into the United States.

3 (f) Individuals required to register in compliance with section 3 of
4 the federal military selective service act, 50 U.S.C. App. 451 et seq.,
5 as amended, shall be provided an opportunity to fulfill such registra-
6 tion requirements in conjunction with an application for a driver's li-
7 cense, commercial learner's permit or instruction permit. Any regis-
8 tration information so supplied shall be transmitted by the department
9 to the selective service system.

10 (4) Whenever an application is received from a person previously li-
11 censed in another jurisdiction, the department shall request a copy of the
12 driver's record from the other jurisdiction and shall contact the national
13 driver register. When received, the driver's record from the previous ju-
14 risdiction shall become a part of the driver's record in this state with the
15 same force and effect as though entered on the driver's record in this state
16 in the original instance.

17 (5) Whenever the department receives a request for a driver's record
18 from another licensing jurisdiction, the record shall be forwarded without
19 charge.

20 (6) The department shall contact and notify the commercial driver li-
21 cense information system of the proposed application for a class A, B or C
22 driver's license or commercial learner's permit to ensure identification of
23 the person and to obtain clearance to issue the license.

24 (7) When the fees required under this section are collected by a county
25 officer, they shall, except as provided in subsection (8) of this section, be
26 paid over ~~to the county treasurer~~ not less often than monthly to the county
27 treasurer, who shall immediately:

28 (a) Deposit an amount equal to five dollars (\$5.00) from each commer-
29 cial license, ten dollars (\$10.00) from each driver's license except
30 an eight-year class D license, or any class D instruction permit appli-
31 cation fees, application for a duplicate driver's license or permit,
32 classification change, seasonal driver's license and additional en-
33 dorsement, and fifteen dollars (\$15.00) from each eight-year class D
34 driver's license, in the current expense fund;

35 (b) Deposit two dollars and fifty cents (\$2.50) from each motorcycle
36 endorsement and motorcycle endorsement instruction permit fee in the
37 current expense fund;

38 (c) Deposit an amount equal to five dollars (\$5.00) from each fee for a
39 knowledge test in the current expense fund;

40 (d) Deposit an amount up to twenty-five dollars (\$25.00) from each fee
41 for a motorcycle endorsement skills test in the current expense fund;
42 provided however, if a contractor administers the skills test, he shall
43 be entitled to the entire fee;

44 (e) Remit the remainder to the state treasurer; and

45 (f) Deposit up to twenty-eight dollars and fifty cents (\$28.50) from
46 each fee for a class D skills test into the county current expense fund,
47 unless the test is administered by a department-approved contractor,
48 in which case the contractor shall be entitled to receive up to twenty-
49 eight dollars and fifty cents (\$28.50) of each fee.

1 (8) When the fees required under this section are collected by the de-
2 partment or an agent authorized by the department, they shall be paid over
3 to the state treasurer. When the department or an agent authorized by the
4 department collects the fees required under this section, the portion of
5 fees to be retained by the county shall be retained by the issuing authorized
6 agent.

7 (9) The state treasurer shall distribute the moneys received from fees
8 imposed by the provisions of this section, whether collected by a county of-
9 ficer or by a state officer or agency as follows:

10 (a) Two dollars (\$2.00) of each fee for a four-year driver's license
11 or seasonal driver's license, and four dollars (\$4.00) of each fee for
12 an eight-year class D driver's license, and one dollar and fifty cents
13 (\$1.50) of each fee charged for driver's licenses pursuant to subsec-
14 tion (1) (b), (d) and (e) of this section, and fifty cents (50¢) of each
15 fee charged for driver's licenses pursuant to subsection (1) (c) and (f)
16 of this section shall be deposited in the emergency medical services
17 fund II created in section ~~56-1018A~~ 46-1038, Idaho Code; and four dol-
18 lars (\$4.00) of each fee charged pursuant to subsection (1) (a), (g) and
19 (s) of this section, and eight dollars (\$8.00) of each fee charged pur-
20 suant to subsection (1) (h) of this section, and three dollars (\$3.00)
21 of each fee for driver's licenses pursuant to subsection (1) (b), (d)
22 and (e) of this section, and one dollar (\$1.00) of each fee charged for
23 driver's licenses pursuant to subsection (1) (c) and (f) of this section
24 shall be deposited in the emergency medical services fund III created in
25 section ~~56-1018B~~ 46-1039, Idaho Code;

26 (b) Twenty-eight dollars (\$28.00) of each fee for a seasonal or class A,
27 B or C driver's license, and nineteen dollars and fifty cents (\$19.50)
28 of each fee charged for a license pursuant to subsection (1) (b) of this
29 section, and eight dollars and sixteen cents (\$8.16) of each fee charged
30 for a license pursuant to subsection (1) (c) of this section shall be de-
31 posited in the state highway account;

32 (c) Twenty dollars (\$20.00) of each fee for a commercial learner's per-
33 mit or driver's license classification change shall be deposited in the
34 state highway account;

35 (d) Four dollars (\$4.00) of each fee for a commercial learner's permit
36 shall be deposited in the emergency medical services fund III created in
37 section ~~56-1018B~~ 46-1039, Idaho Code;

38 (e) Ten dollars (\$10.00) of each fee for a duplicate seasonal or class
39 A, B or C driver's license, a class A, B or C driver's license extension,
40 or an additional endorsement shall be deposited in the state highway ac-
41 count;

42 (f) Seven dollars and fifty cents (\$7.50) of each fee for a motorcycle
43 endorsement and motorcycle endorsement instruction permit shall be de-
44 posited in the state highway account;

45 (g) Five dollars and thirty cents (\$5.30) of each fee for a four-year
46 class D driver's license, and ten dollars and sixty cents (\$10.60) of
47 each fee for an eight-year class D driver's license, and four dollars
48 (\$4.00) of each fee charged for a license pursuant to subsection (1) (d)
49 and (e) of this section, and one dollar and thirty-three cents (\$1.33)

1 of each fee charged for a license pursuant to subsection (1) (f) of this
2 section shall be deposited in the driver training account;

3 (h) Twelve dollars and seventy cents (\$12.70) of each fee for a
4 four-year class D driver's license, and twenty dollars and forty cents
5 (\$20.40) of each fee for an eight-year class D driver's license, and ten
6 dollars and fifty cents (\$10.50) of each fee charged for a license pur-
7 suant to subsection (1) (d) and (e) of this section, and six dollars and
8 eighty-three cents (\$6.83) of each fee charged for a license pursuant
9 to subsection (1) (f) of this section shall be deposited in the highway
10 distribution account;

11 (i) Two dollars and sixty cents (\$2.60) of each fee for a class D in-
12 struction permit, duplicate class D license or permit, and class D li-
13 cense extension shall be deposited in the driver training account;

14 (j) Seven dollars and forty cents (\$7.40) of each fee for a class D in-
15 struction permit, duplicate class D license or permit, and class D li-
16 cense extension shall be deposited in the highway distribution account;

17 (k) Ten dollars (\$10.00) of each fee for a class A, B or C skills test
18 shall be deposited in the state highway account;

19 (l) One dollar (\$1.00) of each fee for a class A, B, C or four-year D
20 driver's license, and two dollars (\$2.00) of each fee for an eight-year
21 class D driver's license, and one dollar (\$1.00) of each fee charged for
22 a license pursuant to subsection (1) (b), (d) and (e) of this section,
23 and thirty-four cents (34¢) of each fee charged for a license pursuant
24 to subsection (1) (c) and (f) of this section shall be deposited in the
25 motorcycle safety program fund established in section 33-4904, Idaho
26 Code;

27 (m) Six dollars and fifty cents (\$6.50) of each fee for a class D skills
28 test shall be deposited ~~into~~ in the state highway account; and

29 (n) Each voluntary contribution of two dollars (\$2.00) as described in
30 subsection (2) of this section, less actual administrative costs asso-
31 ciated with collecting and transferring such contributions, shall be
32 deposited ~~into~~ in the organ donation contribution fund created in sec-
33 tion 49-2447, Idaho Code.

34 (10) The contractor administering a class A, B or C skills test shall
35 be entitled to not more than one hundred ninety dollars (\$190) of the skills
36 test fee. A contractor administering a class A, B or C skills test may col-
37 lect an additional fee for the use of the contractor's vehicle for the skills
38 test.

39 (11) Sixty dollars (\$60.00) of each restricted driving permit and each
40 restricted school attendance driving permit shall be deposited in the state
41 highway account.

42 (12) The department may issue seasonal class B or C driver's licenses to
43 drivers who are employees of ~~agri-chemical~~ agricultural businesses, custom
44 harvesters, farm retail outlets and suppliers, and livestock feeders that:

45 (a) Will ~~only~~ be valid only for driving commercial vehicles that nor-
46 mally require class B or C commercial driver's licenses;

47 (b) Will be valid for seasonal periods that begin on the date of is-
48 suance and that are not to exceed one hundred eighty (180) days in a
49 twelve (12) month period;

50 (c) May ~~only~~ be obtained only twice in a driver's lifetime;

1 (d) Are valid only within a one_hundred_fifty (150) mile radius of the
2 place of business or farm being serviced; and

3 (e) Will be valid only in conjunction with valid Idaho class D driver's
4 licenses.

5 (13) The department may issue seasonal class B or C driver's licenses to
6 drivers who:

7 (a) Have not violated the single license provisions of applicable fed-
8 eral regulations;

9 (b) Have not had any license suspensions, revocations or cancella-
10 tions;

11 (c) Have not had any convictions in any vehicle for any offense listed
12 in section 49-335(1) or (2), Idaho Code, or any one (1) serious traffic
13 offense;

14 (d) Have at least one (1) year of driving experience with a class D or
15 equivalent license in any type of motor vehicle; and

16 (e) Are at least sixteen (16) years old.

17 SECTION 58. That Section 49-452, Idaho Code, be, and the same is hereby
18 amended to read as follows:

19 49-452. EMERGENCY MEDICAL SERVICES FEE. (1) An emergency medical ser-
20 vices fee of one dollar and twenty-five cents (\$1.25) shall be collected in
21 addition to each motor vehicle registration fee amount collected under the
22 provisions of this chapter, with the exception of those vehicles proportion-
23 ally registered under section 49-435, Idaho Code. Twenty-five cents (25¢)
24 of the fee shall be retained by the county of residence for use in funding lo-
25 cal emergency medical service costs. One dollar (\$1.00) of the fee shall be
26 transmitted to the state treasurer for deposit in the emergency medical ser-
27 vices fund established in section ~~56-1018~~ 46-1037, Idaho Code.

28 (2) For vehicles registered under the provisions of section 49-402B,
29 Idaho Code, the fee shall be two dollars and fifty cents (\$2.50). Fifty cents
30 (50¢) of the fee shall be retained by the county of residence for use in fund-
31 ing local emergency medical services costs. Two dollars (\$2.00) of the fee
32 shall be transmitted to the state treasurer for deposit in the emergency med-
33 ical services fund established in section ~~56-1018~~ 46-1037, Idaho Code.

34 SECTION 59. That Section 67-8806, Idaho Code, be, and the same is hereby
35 amended to read as follows:

36 67-8806. DEFINITIONS. As used in this chapter:

37 (1) "EMS" means emergency medical services.

38 (2) "Emergency medical services provider" or "EMS provider" means an
39 emergency medical technician, advanced emergency medical technician, or
40 paramedic licensed by the ~~department of health and welfare~~ office of emer-
41 gency management pursuant to sections ~~56-1011~~ 46-1028 through ~~56-1018B~~
42 ~~46-1039~~, Idaho Code, and an ambulance-based clinician as defined in the
43 rules governing emergency medical services as adopted by the ~~department of~~
44 ~~health and welfare~~ office of emergency management.

45 (3) "Exceptional meritorious conduct" means an act of bravery and self-
46 sacrifice, at the risk of serious injury or loss of one's own life, which is
47 so conspicuous as to clearly distinguish the individual above his comrades.

1 (4) "Firefighter" means a volunteer member or paid employee whose pri-
2 mary duty is preventing, extinguishing, or investigating fires and who pre-
3 vents, extinguishes, or investigates fires as part of a fire district, fire
4 department, or agency that is a part of or administered by the state or any
5 political subdivision thereof.

6 (5) "Law enforcement officer" means a volunteer member or a paid em-
7 ployee of a police or law enforcement agency that is a part of or administered
8 by the state, a federally recognized Indian tribe, or any political subdi-
9 vision of the state whose primary duties are the prevention and detection of
10 crime and the enforcement of the laws of this state or any of its political
11 subdivisions.

12 (6) "Serious injury" means any injury that causes great bodily harm and
13 a probability of death, any injury that causes significant permanent disfig-
14 urement, or any injury that causes a significant permanent loss or impair-
15 ment of the function of any body part or organ.

16 SECTION 60. That Section 72-451, Idaho Code, be, and the same is hereby
17 amended to read as follows:

18 72-451. PSYCHOLOGICAL ACCIDENTS AND INJURIES. (1) Psychological in-
19 juries, disorders or conditions shall not be compensated under this title,
20 unless the following conditions are met:

21 (a) Such injuries of any kind or nature emanating from the workplace
22 shall be compensated only if caused by accident and physical injury
23 as defined in section 72-102(17) (a) through (17) (c), Idaho Code, or
24 only if accompanying an occupational disease with resultant physical
25 injury, except that a psychological mishap or event may constitute an
26 accident where:

27 (i) It results in ~~resultant~~ physical injury as long as the psy-
28 chological mishap or event meets the other criteria of this sec-
29 tion;

30 (ii) It is readily recognized and identifiable as having occurred
31 in the workplace; and

32 (iii) It must be the product of a sudden and extraordinary event;

33 (b) No compensation shall be paid for such injuries arising from con-
34 ditions generally inherent in every working situation or from a person-
35 nel-related action including, but not limited to, disciplinary action,
36 changes in duty, job evaluation or employment termination;

37 (c) Such accident and injury must be the predominant cause as compared
38 to all other causes combined of any consequence for which benefits are
39 claimed under this section;

40 (d) Where psychological causes or injuries are recognized by this sec-
41 tion, such causes or injuries must exist in a real and objective sense;

42 (e) Any permanent impairment or permanent disability for psychologi-
43 cal injury recognizable under the Idaho worker's compensation law must
44 be based on a condition sufficient to constitute a diagnosis using the
45 terminology and criteria of the American psychiatric association's di-
46 agnostic and statistical manual of mental disorders, third edition re-
47 vised, or any successor manual promulgated by the American psychiatric
48 association, and must be made by a psychologist or psychiatrist duly li-

1 censed to practice in the jurisdiction in which treatment is rendered;
2 and

3 (f) Clear and convincing evidence that the psychological injuries
4 arose out of and in the course of the employment from an accident or oc-
5 cupational disease as contemplated in this section is required.

6 (2) Nothing in subsection (1) of this section shall be construed as
7 allowing compensation for psychological injuries from psychological causes
8 without accompanying physical injury.

9 (3) The provisions of subsection (1) of this section shall apply to ac-
10 cidents and injuries occurring on or after July 1, 1994, and to causes of ac-
11 tion for benefits accruing on or after July 1, 1994, notwithstanding that
12 the original worker's compensation claim may have occurred prior to July 1,
13 1994.

14 (4) Notwithstanding subsection (1) of this section, post-traumatic
15 stress injury suffered by a first responder is a compensable injury or occu-
16 pational disease when the following conditions are met:

17 (a) The first responder is examined and subsequently diagnosed with
18 post-traumatic stress injury by a psychologist, a psychiatrist duly li-
19 censed to practice in the jurisdiction where treatment is rendered, or a
20 counselor trained in post-traumatic stress injury; and

21 (b) Clear and convincing evidence indicates that the post-traumatic
22 stress injury was caused by an event or events arising out of and in the
23 course of the first responder's employment.

24 (5) No compensation shall be paid for such injuries described in sub-
25 section (2) of this section arising from a personnel-related action includ-
26 ing, but not limited to, disciplinary action, changes in duty, job evalua-
27 tion, or employment termination.

28 (6) As used in subsection (4) of this section:

29 (a) "Post-traumatic stress injury" means a disorder that meets the di-
30 agnostic criteria for post-traumatic stress disorder or post-traumatic
31 stress injury specified by the American psychiatric association's di-
32 agnostic and statistical manual of mental disorders, fifth edition re-
33 vised, or any successor manual promulgated by the American psychiatric
34 association.

35 (b) "First responder" means:

36 (i) A peace officer as defined in section 19-5101 (d), Idaho Code,
37 when employed by a city, county, or the Idaho state police;

38 (ii) A firefighter as defined in section 59-1302 (16), Idaho Code;

39 (iii) A volunteer emergency responder as defined in section
40 72-102 (31), Idaho Code;

41 (iv) An emergency medical ~~service~~ services (EMS) provider, ~~or EMS~~
42 ~~provider~~, certified by the ~~department of health and welfare office~~
43 ~~of emergency management~~ pursuant to sections ~~56-1011~~ 46-1028
44 ~~through 56-1018B~~ 46-1039, Idaho Code, and an ambulance-based
45 clinician as defined in the rules governing emergency medical ser-
46 vices as adopted by the ~~department of health and welfare office of~~
47 emergency management; and

48 (v) An emergency communications officer as defined in section
49 19-5101 (f), Idaho Code.

1 (7) Subsections (4) through (6) of this section are effective for first
2 responders with dates of injury or manifestations of occupational disease on
3 or after July 1, 2019.

4 SECTION 61. An emergency existing therefor, which emergency is hereby
5 declared to exist, sections 4, 8, and 33 of this act shall be in full force and
6 effect on and after July 1, 2024, and sections 1, 2, 3, 5, 6, 7, 9 through 32,
7 and 34 through 60 of this act shall be in full force and effect on and after
8 July 1, 2025.