

**Title 64 Series 116
Department of Health
Bureau for Public Health
Distribution of Funds from Emergency Medical Services Salary Enhancement Fund**

Summary of Amendments to the Rule:

This new rule establishes a means of distributing available funds from the Emergency Medical Services Salary Enhancement Fund established by W. Va. Code §16-4C-25 (SB 737 of the 2023 Regular Legislative Session).

COMMENTS AND RESPONSES

The descriptions of public comments below are a paraphrasing of the originally submitted comments. The full text of each public comment has been filed with the Secretary of State's Office.

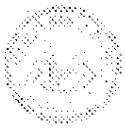
Comment

The existence of a special levy for emergency medical services should be excluded from the formula for fund distribution. Additionally, the rule should permit counties to propose alternate methods of fund distribution to agencies in counties with more than one ambulance transporting agency.

Response

The Department has reviewed the comment. The comment encourages removal of the consideration of the existence of a special levy for emergency medical services from the funding distribution formula. Specifically, the commentator opines that evaluating both demonstration of need and the existence of a special levy is contradictory. Further, the commentator opines that because the four factors enumerated in SB 737 are joined with the conjunction "and/or" not all four factors must be considered. However, the plain language of SB 737 permits the consideration of all four factors. It is the Department's position that the inclusion of all four factors in SB 737 signifies the legislature's intention that all four factors be considered when possible. As such, the Department declines to adopt this portion of the comment and no changes have been made to the rule.

The comment also encourages the allowance of an alternate method of allocation for counties with more than one ambulance transporting agency, which such alternate method being determined and proposed by individual counties. However, the purpose of the rule is the establishment of a uniform method of fund distribution to ensure that each county receives a proportionate amount of funding in accordance with the factors enumerated by the legislature in SB 737. The rule is also crafted to ensure that each ambulance transporting agency receives funding proportionate to its workload. The rule likewise contemplates circumstances where an agency operates in more than one county and presumes that agencies will receive a fund distribution from the county in which their base of operations are located. As such, the Department declines to adopt this portion of the comment and no changes to the rule have been made.



Robertson, April L <april.l.robertson@wv.gov>

64CSR116 Comments

1 message

Britt Ludwig <britt.ludwig@greenbriercounty.net>
To: April L Robertson <april.l.robertson@wv.gov>

Fri, Jun 16, 2023 at 4:14 PM

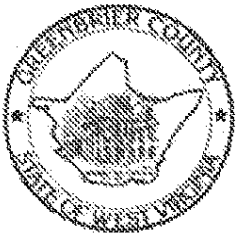
Hi April,

Hope you are well. Our president had the attached comments on the proposed EMS rule.

Thank you and enjoy the long weekend!

Britt

Britt B. Ludwig
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Greenbrier County Commission
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Greenbrier County Commission



Tammy Tincher, President
Lowell Rose, Commissioner
Blaine Phillips, Commissioner

June 16, 2023

April L. Robertson
One Davis Square, Suite 100E
Charleston, WV 25301

VIA EMAIL: april.l.robertson@wv.gov

RE: Comments Regarding C.S.R. §64-116

Dear Ms. Robinson:

As the President of the Greenbrier County Commission, I offer the following comments regarding the proposed legislative rule 64 CSR 116, "Distribution of Funds from Emergency Medical Services Salary Enhancement Fund."

As I am sure you are cognizant, the enabling legislation contained in SB 737 requires the Director to consider the following factors in determining the distribution of funds: (1) Counties who may demonstrate the most need; (2) Counties that have a special levy for emergency medical services; (3) Counties that have reached the maximum allowable rate on regular levies; and/or (4) Counties that have a challenge recruiting and retaining emergency medical services personnel due to interstate competition. Importantly, because the considerations are conjoined with "and/or," not all of the factors are compulsory for inclusion as considerations.

I would posit to you that a "demonstration of need" is a factor contrary to consideration of the existence of a levy for emergency medical services since counties that do not have a levy, whether such a levy failed or none was proposed, are likely to have a *greater* need for financial supplementation from the legislative fund since such special levy revenue would be absent. Therefore, because these factors are contradictory, Greenbrier County would respectfully request consideration of the existence of a special levy for emergency medical services be excluded from the formula for fund distribution.

With regard to the method of allocation by counties found in paragraph 4.9 of the rule, Greenbrier County respectfully suggests amending this paragraph to permit the Director to approve an alternative method of allocation. Since some counties may have unique situations such as agencies that serve multiple counties, or agencies that serve uniquely unprofitable or higher cost service areas than other agencies, allowing the County to consult with its agencies and propose an alternative allocation method would allow the fairest method to be utilized by each county.

Thank you very much for the opportunity to provide comments on the proposed legislative rule, 64 CSR 116, "Distribution of Funds from Emergency Medical Services Salary Enhancement

Fund." Please do not hesitate to contact me if I may provide any clarification on my comments regarding the proposed rule.

Very Sincerely,

A handwritten signature in black ink that reads "Tammy Tincher". The signature is written in a cursive, flowing style with a prominent loop at the end of the last name.

Tammy Tincher