

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 642. EMERGENCY RESPONSE SYSTEMS STABILIZATION AND
IMPROVEMENT REVOLVING FUND

SUBCHAPTER 1. GENERAL PROVISIONS

310:642-1-1. Purpose

The rules in this chapter are promulgated to:

(1) Define the process for appropriate distribution of the Oklahoma Emergency Response Systems Stabilization and Improvement Revolving Fund (OERSSIRF) pursuant to 63 O.S. 2008, § 1-2512.1.

(2) Provide standards for monitoring and enforcement of the provisions of the statute and these rules.

310:642-1-2. Program Description

The Oklahoma Emergency Response Systems Stabilization and Improvement Revolving Fund program is authorized by 63 O.S. 2008, § 1-2512.1. This law authorizes the Department to distribute funds for specified purposes. This Subchapter interprets and implements the law authorizing the expenditure and distribution of funds by the Department. The Department's rules applicable to OERSSIRF expenditures shall be construed so as to consider only the OERSSIRF expenditures program administered by the Department.

310:642-1-3. Definitions

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"**Applicant**" means a qualified entity that submits an application for OERSSIRF funds.

"**Department**" means the Oklahoma State Department of Health.

"**Emergency Medical Services System**" means the network of emergency medical dispatchers (EMDs), certified emergency medical responders (EMRs), licensed emergency medical technicians (EMTs), certified emergency medical response agencies (EMRAs), licensed ambulance services, EMS medical directors, recognized training institutions, and communications centers that work together to deliver prompt, effective pre-hospital emergency medical care to the citizens of Oklahoma.

"**Qualified entity**" means any person or organization licensed, certified or approved by the Department as part of the EMS system, such as EMS personnel, certified emergency medical response agencies, licensed ambulance services, approved training institutions, approved emergency medical dispatch

agencies, approved medical directors or any combination thereof, or their associations or sponsoring organizations, such as EMS districts, cities or counties that operate certified emergency response agencies or licensed ambulance services, or education systems operating EMS training institutions.

SUBCHAPTER 3. APPLICATIONS

310:642-3-1. Application review and disposition

(a) General procedures. The general procedure to be followed in the funding application, review and consideration process for financial assistance under the OERSSIRF program shall be as follows:

(1) Pre-application conference.

(A) All potential applicants are encouraged to participate in a pre-application conference. The Department shall summarize available funding, areas of need identified by any state assessment, and the status of previous OERSSIRF-funded projects.

(B) At the pre-application conference, preliminary matters respecting the applicant, the proposed project and the application for assistance may be generally discussed to familiarize all concerned parties with the funding application requirements and procedures.

(C) An applicant may request a meeting between the Department, the applicant or representative, applicant's advisors and other appropriate persons to receive technical assistance from the Department regarding the application process and applicable law and rules.

(2) Application. Applicant shall initiate application review and consideration by submission to the Department of applicant's application for financial assistance. An application shall be submitted by the qualified entity using forms described in 310:642-7-1 (relating to content of application), within the application period specified in OAC 310:642-3-2 (relating to deadlines for filing).

(3) Preliminary review. Upon receipt, the submitted application shall be given preliminary review by the Department. An initial determination of project eligibility, applicant eligibility and for completeness and accuracy of all required and necessary information shall be completed by the Department within fifteen (15) days of receipt of the application. If the Department finds an application to be materially incomplete or inaccurate, the Department shall notify the applicant in writing by certified mail, stating the deficiency. An applicant shall file all documentation and

information required by the Department within 60 days after the date of the letter describing the deficiency, or the application shall be deemed by the Department to be abandoned.

(4) Scoring and selection. Subsequent to preliminary review and based upon the Department's continuing determination of the eligibility and adequacy of information submitted, the application shall thereafter be scored by the following process.

(A) A public meeting shall be scheduled in the first week of April each year for the purpose of scoring the eligible OERSSIRF grant applications and awarding the grant funds that have been identified by the Department as the balance available for distribution on the last day of the preceding calendar year.

(i) A nine (9) person review panel shall be assembled each year from volunteers present at the grant awards meeting.

(ii) The name of each volunteer present at the meeting shall be written on a 3 x 5 inch card, and the card shall be folded so the name is not visible

(iii) All cards shall be placed in an EMT cap

(iv) A blindfolded volunteer EMT will draw nine cards from the cap. The persons named on the selected cards shall be the panel members.

(v) Each panel member so selected will sign an attestation stating the volunteer has no financial or other direct personal interest in any of the project proposals before the Department.

(vi) If a selected volunteer is determined by Department staff to have any such interest in the selection, the volunteer will be disqualified and another name shall be selected by the same method, until nine members are empanelled.

(B) The panel shall be seated and the reviews will begin under the direction of Department staff.

(i) Department staff will distribute applications and scoring tools, collect the completed scoring tools for each proposal from the panelists, and tally the scores for each proposal at the end of the process.

(ii) The narrative summary of each application will be read aloud and an opportunity for questions to the applicant shall be provided before the scoring of the proposals begins

(iii) The tallied scores shall be posted as soon as the totals are computed.

(C) The project with the highest score of total points shall be selected for funding, and the projected cost of the project deducted from the balance of the fund.

(D) The project with the next highest score of total points shall be selected for funding, and the cost deducted from the balance of the fund and continuing in like manner until insufficient funds remain to fund the next highest-scoring project.

(E) The Applicant for a selected project that cannot be fully funded shall have two weeks from the day of the grant distribution meeting to re-scale the original application to conform to the remaining funding.

(F) A second public meeting will be scheduled after that date, and the panel will re-score the re-scaled application.

(G) If the re-scaled application's score is higher than the next-highest unre-scaled scored application, the project shall be awarded the requested funding.

(H) If the re-scaled project score is not higher than the next-highest unre-scaled scored application, or if the applicant declines to re-scale the application, the remaining funding shall be retained by the fund and distributed the next year, or in accordance with 310:642-7-2(a)(5) (relating to Department action on request for change in scope of approved project).

(b) Criteria applicability.

(1) The criteria set forth in subsections (c) and (d) of this Section shall constitute guidelines and standards for application review and consideration by the Department.

(2) The criteria and standards set forth in subsections (c) and (d) of this Section shall be applied to each application without exception.

(c) General approval standards and criteria. The Department shall be under a continuing obligation to ensure the following standards and criteria are satisfied before any application is approved for funding and may determine compliance with these standards and criteria during preliminary review, scoring and selection or during a post selection review:

(1) **Compliance with applicable law.** The application and proposed project must be found to be in compliance with the state procurement act, 63 O.S. § 1-2512.1, and all applicable and relevant federal, state and local laws and regulations, and applicant must possess all necessary and incidental legal rights and privileges necessary to project commencement and operation.

(2) **Eligibility.** The applicant must be a qualified entity and the proposed project must be for a qualified purpose as defined in 63 O.S. § 1-2512.1.

(3) **Local need, support and priority.** The Applicant shall demonstrate that the project is needed in the area to be served and is sufficient, as proposed, to serve such needs. Applicant shall demonstrate local support, interest and commitment in and to the proposed project.

(4) **Availability of other assistance.** Applicant shall demonstrate appropriate due diligence to ensure no alternative sources of revenue could be obtained and utilized for project financing.

(5) **Economic feasibility.** The Applicant shall demonstrate the overall economic viability and feasibility of the project.

(6) **Project feasibility.** The Applicant shall demonstrate that the project is feasible and cost effective.

(7) **Statewide needs and public interest.** The Applicant shall demonstrate the relationship between the proposed project and the overall EMS development needs within the State of Oklahoma and show that proposed project will serve the public interest and welfare.

(d) **Criteria for denying an application.** The Department may deny an application for OERSSIRF funding for any of the following reasons:

(1) The applicant is not an eligible entity.

(2) The project does not serve the goals of 63 O.S. § 1-2512.1.

(3) Insufficient availability of **funding.**

(4) The application is received after the deadline.

(e) **Department action.**

(1) After reviewing and considering the submitted application, the Department may take one of the following actions:

(A) The Department may approve and fund the application as submitted.

(B) The Department may reject and deny the application based upon any applicable criteria described in subsection (d) of this Section.

(C) If insufficient funding is available to fund a project scored in accordance with 310:641-3-1(a)(4)(B) (relating to scoring and funding of projects), the Department shall advise the applicant and allow a period of two weeks for re-submission of a budget consistent with the available funds as provided by 310:642-3-1(a)(4)(E) (relating to deadline to re-scale the original application to conform to the remaining funding). If the applicant cannot submit a sufficient budget within the allowed time frame without

degrading the project's point score, the Department may defer the application to compete within the next funding period.

(2) Upon approval of an application, the Department may authorize the execution of all necessary funding documents and instruments, and may accordingly authorize and provide for disbursements and such further or additional action as may be necessary to complete and implement the approved transaction.

310:642-3-2. Applicable law, deadline for applications, eligible project costs, maximum award

(a) The Department shall administer applications for OERSSIRF funds in accordance with any provisions of law applicable to such applications and OERSSIRF funds.

(b) To be considered for and receive funding from funds available for OERSSIRF in any given fiscal year, an application must be completed in accordance with this Chapter and filed by the applicant and received by the Department on or before January 1 or, if January 1 is not a business day, then the next business day after January 1 of that fiscal year. Any application not properly completed and filed shall not be considered for or funded from funds that may become available during that fiscal year.

(c) An OERSSIRF grant application submitted for consideration in a prior fiscal year that was not approved for funding in that prior fiscal year shall expire and be deemed denied unless the applicant files and the Department receives a timely written request to consider said application during the current fiscal year, together with updated application materials as may be reasonably required by the Department. To be timely, such request and updated application materials must be received by the Department on or before January 1 or, if January 1 is not a business day, then the next business day after January 1, of the current fiscal year.

(d) For purposes of evaluating, approving and funding an application for a OERSSIRF grant, categories of project costs which are eligible for assistance shall include those project costs described in 63 O.S. § 1-2512.1:

- (1) Funding assessment activities,
- (2) Stabilization and/or reorganization of at-risk emergency medical services,
- (3) Development of regional emergency medical services,
- (4) Training for emergency medical directors,
- (5) Access to training front line emergency medical services personnel,
- (6) Capital and equipment needs.

(e) No qualified entity shall receive more than \$500,000 in OERSSIF funding assistance in any twelve (12) month period, or for any single project.

SUBCHAPTER 5. SCORING

310:642-5-1. OERSSIRF funding priority point system

Applications shall be ranked based on the total number of points awarded by the Department consistent with this Chapter.

(1) The following formula shall be used to rank funding applications: $T = S + M + D + H + E + AR + PM + PG + PE$, where:

(A) T = Total points

(B) S = Statutory purposes

(C) M = Multiple jurisdictions

(B) D = Population density

(C) H = Distance to the nearest level I or II trauma center

(D) E = Number of project-area EMTs

(E) AR = Amount of grant requested

(F) PM = Project matching

(G) PG = Previous grant assistance

(H) PE = Previous grant evaluation

(2) Points may be awarded as described below:

(A) **Statutory purposes (S):** Points shall be awarded for each of the relevant statutory purposes of the grant as follows:

(i) Funding assessment activities: 50 points

(ii) Stabilization and/or reorganization of at-risk emergency medical services: 100 points

(iii) Development of regional EMS: 50 points

(iv) Training for emergency medical directors: 50 points

(v) Access to training front line emergency medical services personnel: 100 points

(vi) Capital and equipment needs: 50 points

(B) **Multiple jurisdictions (M):** Points shall be awarded for projects addressing the EMS needs of multiple jurisdictions, as follows:

(i) Two cities or towns: 25 points

(ii) Three cities or towns: 50 points

(iii) County wide: 100 points

(iv) Multi-county: 150 points

(v) State wide: 200 points

(C) **Population density (D):** Points shall be awarded for projects encompassing areas of lowest per-mile population density as recorded by the United States Census Bureau, as follows:

- (i) 5,000.0 to 8,968.1: 0 points
- (ii) 1,000.0 to 4,999.9: 10 points
- (iii) 200.0 to 999.9: 20 points
- (iv) 79.6 to 199.9: 30 points
- (v) 30.0 to 79.5: 40 points
- (vi) 10.0 to 29.9: 50 points
- (vii) Less than 10.0: 100 points

(D) **Distance to trauma center (H):** Points shall be awarded for project areas where the average distance between the furthest and closest points within the project area to a trauma center classified by the State of Oklahoma or the American College of Surgeons as level I or II, as follows:

- (i) 0-25 miles: 0 points
- (ii) 25-49 miles: 10 points
- (iii) 50-74 miles: 20 points
- (iv) 75-99 miles: 30 points
- (v) 100-124 miles: 40 points
- (vi) 125-149 miles: 50 points
- (vii) 150 miles and over: 100 points

(E) **EMTs (E):** Points shall be awarded for proposals encompassing project areas with fewer resident licensed EMTs at any level of licensure as recorded by the Department as follows:

- (i) 100 or more resident EMTs: 0 points
- (ii) 50-99 resident EMTs: 20 points
- (iii) 25-49 resident EMTs: 40 points
- (iv) 0-24 resident EMTs: 60 points

(F) **Amount of grant requested (AR).** Points under this category for amount of funding requested are determined as follows:

- (i) \$400,001 to \$500,000: -50 points
- (ii) \$300,001 to \$400,000: -40 points
- (iii) \$200,001 to \$300,000: -30 points
- (iv) \$100,001 to \$200,000: -20 points
- (v) \$80,000 to \$100,000: 10 points
- (vi) \$60,000 to \$79,999: 20 points
- (vii) \$40,000 to \$59,999: 30 points
- (viii) \$20,000 to \$39,999: 50 points
- (ix) Any AR greater than \$500,000 shall be denied

(G) **Project matching (PM).** If the application proposes the use of matching funds, points shall be awarded consistent with the following formula:

- (i) 90% of the requested funds: 90 points
- (ii) 80% of the requested funds: 80 points
- (iii) 70% of the requested funds: 70 points
- (iv) 60% of the requested funds: 60 points
- (v) 50% of the requested funds: 50 points

(vi) 40% of the requested funds: 40 points

(vii) 30% of the requested funds: 30 points

(viii) 20% of the requested funds: 20 points

(ix) 10% of the requested funds: 10 points

(H) **Previous grant assistance (PG).** If a qualified entity has been approved for one (1) or more OERSSIF grants from the Department for projects awarded in the past, points shall be deducted from the application according to all of the following provisions that apply unless the previous grant was for an assessment of the need for the establishment of EMS or stabilization of an at-risk EMS:

(i) One (1) funded project in the preceding twelve (12) month period: -80 points.

(ii) More than one (1) OERSSIRF project in the preceding twelve (12) month period: -100 points.

(iii) One (1) OERSSIRF funded project more than twelve (12) months in the past: -50 points.

(iv) Two (2) OERSSIRF funded projects more than twelve (12) months in the past: -80 points.

(v) Three (3) OERSSIRF funded projects more than twelve (12) months in the past: -100 points.

(vi) Four (4) OERSSIRF funded projects more than twelve (12) months in the past: -150 points.

(vii) Five (5) or more OERSSIRF funded projects more than twelve (12) months in the past: -175 points.

(viii) If the qualified entity has received a previous OERSSIRF funding for a project that remains un-audited or for which any refund has not been paid as of August 31st of the year following the approved completion date of the project, the application will be given -50 points for each such funded project.

(I) **Previous grant evaluation (PE).** The project score established through the Department's evaluation required by OAC 642-9-1(a) for each previously completed OERSSIRF project shall earn the following points:

(i) Significantly Improved: 100 points

(ii) Improved: 50 points

(iii) Not Improved: -50 points

(iv) Worsened: -100 points

SUBCHAPTER 7. DISBURSEMENT

310:642-7-1. Content of application

(a) The application shall be submitted using the forms provided by the Department. The application form shall include the following sections:

- (1) Application Information, including the name of the contact person, mailing address, e-mail address, phone number and type of qualifying applicant entity.
 - (2) Instructions, including an outline of the legal requirements and the priority point system.
 - (3) A section requiring a narrative description of the proposed project.
 - (4) A section enumerating the requirements of the OERSSIRF statute, requiring a description of the proposed project's compliance with each section.
 - (5) A section requiring a narrative description of the proposed project's compliance with each of the priority point criteria.
 - (6) A scoring tool shall be included, showing the point score to be applied to each section and allowing "yes/no" evaluation of compliance with statutory requirements.
- (b) Each application shall include a section setting forth the criteria that will be used to evaluate the success of the project. The criteria shall include:
- (1) Specific, objective metrics for evaluation of the project. For example: a percentage decline in response time or improvement in the number of available EMTs within a region, measured against the same metric at the start of the project.
 - (2) A clear methodology and a description of data sources for computing the performance measures proposed in the project plan, for example, comparing responder response times or the total number of EMTs in a region against the same metric at the end of the project.
 - (3) Benchmark measures for each of the following assessment levels:
 - (A) Significantly improved.
 - (B) Improved.
 - (C) Not Improved.
 - (D) Worsened.

310:642-7-2. Disbursement of funds

(a) Action following Department approval and prior to disbursement of funding.

- (1) Notification of approval. Upon approval of a OERSSIRF application, the Department shall furnish to the applicant a written notice of approval. The notice shall advise the applicant that the funds approved shall be made available to the applicant by the Department for such purposes and upon conditions as provided in paragraph (3) of this subsection (relating to additional conditions prior to disbursement of funds).

(2) **Bid filing.** Within ninety (90) days following the date of the written notice of approval, the applicant shall file with the Department an acceptable bid for completion of the proposed project. Where determined necessary and appropriate, the Department may permit additional time to file such a bid; provided, notwithstanding any approval of additional time, if such a bid is not filed within one (1) year following the date of Department approval of the application, then the Department's approval shall expire and no funds shall be released. In the event of such expiration the applicant may file a new application which shall be subject to due consideration on its own merits.

(3) **Additional conditions prior to disbursement of funds.**

(A) Applicant shall establish a special and separate federally insured fund or account within applicant's accounting system in and through which the proceeds shall be administered and accounted for by the applicant.

(B) Unless otherwise provided and approved by the Department, applicant shall submit to the Department all plans, specifications and benchmark completion reports for the project for Department approval, all of which shall be complete and in sufficient detail as would be required for submission of the project to a contractor for bidding or contracting the project. If not previously provided, applicant shall provide Department with a written and verified statement setting forth:

(i) The amount of funds necessary for release and disbursement at closing needed for commencement of the project, and

(ii) The reasonable availability of all other revenue or funding sources needed to finance and complete the project.

(C) Applicant and Department, and all other necessary parties, shall have executed all necessary and incidental instruments and documents, including but not limited to a grant agreement.

(4) **Department action on request for increase in approved amount.** If, prior to disbursement of the grant monies to the applicant, the project bids exceed the estimates or it otherwise develops that the OERSSIRF grant amount approved by the Department, when combined with any other sources of funding, will be insufficient to complete the approved project, then the applicant may file a written request:

(A) to amend the scope of the approved project in a manner consistent with paragraph (5) of this subsection (relating to Department action on request for change in scope of project); or

(B) to decline funding and withdraw its application for the current fiscal year and request that the Department reconsider the application with an increased OERSSIRF funding amount during the following fiscal year. The request for an increased OERSSIRF funding amount shall be treated as a new application on its own merits; provided, the original application shall not be counted for purposes of the previous grant assistance portion of the priority point determination.

(5) Department action on request for change in scope of approved project. If prior to disbursement of funds to the applicant, the applicant wishes to change the scope of the project from that approved by the Department, then the applicant may file a written request for approval of such a change. If the Department determines that the change is reasonable and in all material respects within the scope of the project description approved by the Department, then the Department may approve such requested change. If the Department determines that the change is not in all material respects within the scope of the project description approved by the Department, or if funds from the original funding year are not available, such a request shall be denied.

(b) Disbursement of funding to applicant; action following disbursement.

(1) Disbursement contingent on completion of conditions; reduction from approved amount. At the time of and upon compliance by the applicant with the applicable requirements in subsection (a) of this Section, the Department shall disburse the approved amount of OERSSIRF funds to the applicant for the approved project.

(2) Disbursement in whole or part; timing. Funds may be disbursed to the applicant in installments or in lump sum, and may be disbursed prior to, during, or upon, completion of the project, all as deemed appropriate by the Department under the project circumstances presented. The Department shall conduct on-site inspections to confirm completion of benchmarks described in the project plan.

(3) Post-disbursement requests for increases in funding amount. If after disbursement of the grant monies to the applicant it develops that the applicant needs more money for the project than the OERSSIRF amount disbursed by the Department, then any request for additional OERSSIRF grant money shall follow the rules in this Chapter and shall be treated as a new application on its own merits.

(4) Post-disbursement requests for changes in scope of approved project. If after disbursement of funds to the applicant the applicant wishes to change the scope of the

project from that approved by the Department, then the applicant may file a written request for approval of such a change. If the applicant successfully demonstrates reasonably unforeseeable or extraordinary circumstances that the Department determines represent a better utilization of OERSSIRF funds by the applicant to serve the public interest and welfare, then the Department shall approve the change in project scope. If the applicant does not make such a demonstration, then the Department shall deny the request and the applicant shall either proceed with the project as approved or abandon the project and return the funds to the Department within thirty days after the date of the Department's action.

(5) **Post-disbursement action regarding unexpended funding.** If following completion of the project the applicant needed less money for the project than disbursed by the Department, the applicant shall return the unexpended amount to the Department. Unused funding shall be returned to the fund and made available during the next funding year.

(6) **Reports.** The Department may require quarterly or biannual progress reports and may at any time perform on-site inspections.

(A) Applicants shall provide all requested documents at the time of the inspection, or as required by the Department.

(B) Department staff shall report any suspected misappropriation of funds to the appropriate law enforcement authority.

SUBCHAPTER 9. Evaluation

310:642-9-1. Evaluation of Projects

The Department shall perform an evaluation of the project within six (6) months of its completion, summarizing its effectiveness using benchmark measures identified in the application as required by 310:642-7-1(b)(3)(relating to content of applications).