202 KAR 7:520. Allocation of block grant funding assistance for emergency medical services.

RELATES TO: KRS 311A.010, 311A.030(2), 311A.035, 311A.050, 311A.055, 311A.060, 311A.155, 311A.190, 2 C.F.R. 215-225

STATUTORY AUTHORITY: KRS 311A.155(3)

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311A.155(3) requires the Kentucky Board of Emergency Medical Services to administer the emergency medical services grant program, and authorizes the board to promulgate administrative regulations concerning the implementation and operation of the emergency medical services grant program. KRS 311A.155(1) requires the board to maintain a block grant fund program for the purpose of assisting units of local government in the provision of emergency medical services. This administrative regulation establishes standards and criteria governing the allocation of emergency medical services funding assistance to eligible applicants.

Section 1. Eligibility to Receive EMS Grant Funding.

(1) A county in the Commonwealth of Kentucky shall be eligible to apply for and may receive emergency medical services (EMS) grant funding if the applicant county meets the requirements in this administrative regulation.

(2) A merged government shall not lose eligibility pursuant to this administrative regulation and may apply for and receive EMS grant funding if the applicant meets all requirements of this administrative regulation.

(3) This administrative regulation shall not be construed to grant an agency licensed pursuant to 202 KAR Chapter 7 the authority to apply for or receive EMS grant funding independent of the county.

(4) A county or merged government that applies for EMS grant funding shall maintain, within its boundaries and for the benefit of its inhabitants, one (1) or more agencies that provide primary EMS 911 response and transport service.

(5) A county or merged government shall be considered to maintain EMS 911 level of service by:

(a) Holding the license for and operating a county-owned Class I ground ambulance service;

(b) Holding the license for a Class I ground ambulance service, but contracting with a licensed service to operate within the county;

(c) Allowing an agency or multiple agencies to operate within the county to provide EMS 911 level of service for the benefit of the inhabitants of that area; or

(d) Not holding the license for, but bearing the responsibility of, operating or allowing the operation of, an agency or multiple agencies within the county to provide EMS 911 level of service for the benefit of the inhabitants of that area.

(6) A county or merged government shall be eligible to receive EMS grant funding only for agencies licensed as Class I. Other classes of service shall not be eligible.

(7) A county or merged government shall not disperse funds to a licensed agency that cannot provide evidence of compliance with KBEMS' data collection requirements pursuant to KRS 311A.190 and 202 KAR 7:540.

(8) An agency that is not compliant with data collection requirements in KRS 311A.190 and 202 KAR 7:540 may submit a plan of correction for approval by the executive director. A plan shall include at least:

(a) A detailed outline of measures that shall be taken to achieve compliance;

(b) Proof of equipment and software necessary to achieve compliance; and

(c) A stipulation that an agreed percentage of awarded grant funds shall be used in taking measures that shall achieve compliance with data collection requirements in

KRS 311A.190 and 202 KAR 7:540.

(9) An agency that is following an approved plan of correction for data collection compliance pursuant to KRS 311A.190 and 202 KAR 7:540 may be eligible to obtain block grant funds from an applicant county or merged government.

(10) An agency undergoing disciplinary action pursuant to KRS 311A.060 shall be eligible to receive funds if in compliance with board-recommended disciplinary action.

(11)

(a) All distributions of grant funding shall be conducted by direct deposit to a bank account of the applicant county or merged government.

(b) The applicant county or merged government shall ensure that an updated W-9 form is submitted to the office of the board upon a change in bank routing information.

Section 2. Application Requirements.

(1) An applicant for EMS grant funds shall complete all portions of the County Application, Kentucky Ambulance Grant, KBEMS G-1, and the Agency Application, Kentucky Ambulance Grant, KBEMS G-2. These applications shall be submitted in an electronic format prescribed by the office of the board.

(2) Each electronic application shall be received by January 31 of each year. An applicant shall not receive EMS grant funds if the application is not received by the office of the board on or before January 31.

(3) Each electronic application shall include an itemized list of items intended to be purchased with EMS grant funds, price and quantity of those items, and a narrative justification for the purchase of those items. An application that does not include the itemized list or the narrative justification shall be denied by the office of the board and shall not be approved if the applicant does not submit a revised application by the filing deadline established in subsection (2) of this section.

(4) If an applicant requests to maintain carry-over funds in accordance with KRS 311A.155(5), the applicant shall notate the years that shall be carried forward on the application mandated by this administrative regulation.

(5)

(a) If an applicant does not request to maintain carry-over funds on the initial application, but chooses to select this option at a later time during the fiscal award year, the applicant shall submit the electronic Ambulance Grant Substitute Item Form, KBEMS G-3, to remove the previously approved items and substitute the request to carry over funds to the next fiscal year.

(b) Carry-over funds that are requested on a KBEMS G-3 shall meet the submission deadlines as established for all KBEMS G-3 submissions in Section 6 of this administrative regulation for the award year.

(6) Each applicant shall identify on the application, which agency or agencies will receive the EMS grant funds sought in the application process.

(7) If the applicant intends for more than one (1) agency to receive funds, the applicant shall specifically identify each agency to which funds shall be dispersed and the monetary amount to be distributed to each.

(8) The ambulance service agency director or ambulance service board chair of an agency receiving funds from an applicant shall certify that the agency:

(a) Is a licensed Class I ground ambulance service in the state of Kentucky;

(b) Acknowledges, understands, and agrees to comply with the requirements and duties of KRS 311A.155 and this administrative regulation;

(c) Has not made a false statement or misrepresentation on the application and that falsely certifying shall subject the agency to reimbursement of funds to KBEMS and sanctions pursuant to KRS 311A.060;

(d) Shall not misuse funds and that doing so shall require the agency to reimburse those funds to KBEMS and shall subject the agency to sanctions pursuant to KRS 311A.060;

(e) Shall expend awarded funds for the fiscal year of award only after written approval of award;

(f) Shall expend all awarded grant funds, except any approved carry-over funds, by June 30of the fiscal year of award; and

(g) Acknowledges that approved grant funds, except any approved carry-over funds, that are not expended by June 30 of the fiscal year of award shall be returned to the office of the board prior to the award of any future grant funds.

(9) An applicant county or merged government shall submit the County Application, Kentucky Ambulance Grant, KBEMS G-1, with the county Judge Executive's signature or an agent duly authorized by the applicant. A duly authorized agent may include, for example, a chief administrative officer for the applicant, but shall not include a person unable to legally bind the applicant. The KBEMS G-1 application shall be scanned with a certifying signature affixed and submitted electronically as a required portion of the Kentucky ambulance grant electronic application process.

(10) An applicant shall certify on the County Application, Kentucky Ambulance Grant, KBEMS G-1 that the county or merged government:

(a) Acknowledges, understands, and agrees to comply with the requirements and duties of KRS 311A.155 and this administrative regulation;

(b) Has not made a false statement or misrepresentation on the County Application, Kentucky Ambulance Grant, KBEMS G-1, and that falsely certifying shall subject the applicant to reimbursement of funds to KBEMS;

(c) Shall not misuse funds and that doing so shall subject the applicant to reimbursement of those funds to KBEMS;

(d) Shall be jointly responsible for ensuring that all purchases and expenditures of block grant funds are approved and allowable pursuant to KRS 311A.155 and this administrative regulation;

(e) Shall expend awarded funds for the fiscal year of award only after written approval of award;

(f) Shall expend all awarded grant funds, except any approved carry-over funds, by June 30 of the fiscal year of award; and

(g) Acknowledges that approved grant funds, except any approved carry-over funds, that are not expended by June 30 of the fiscal year of award shall be returned to KBEMS prior to the award of any future grant funds.

Section 3. Application for Change of Items.

(1) An applicant wishing to expend awarded funds on items not previously approved in the electronic Agency Application, Kentucky Ambulance Grant, KBEMS G-2, shall submit the electronic Ambulance Grant Substitute Item Form, KBEMS G-3, to remove the previously approved items and substitute alternative items for purchase.

(2) Approved purchase transactions shall occur by June 30 of the fiscal year of award. If applicable, the electronic Ambulance Grant Substitute Item Form, KBEMS G-3 shall be submitted and approved by the office of the board by May 31 of the fiscal year of award.

(3) A substitute item purchased without prior approval from the office of the board shall be considered misuse of grant funds and shall preclude the applicant from approval of all grant funds during the following application year.

(4)

(a) Authorization for substitute items shall not be approved retroactively.

(b) Approval for a substitute item shall only be authorized by the office of the board prior to the purchase date.

Section 4. Allowable Expenditures.

(1) Awarded funds shall only be expended on authorized purchases.

(2) Authorized purchases shall include:

(a) Ambulances, equipment, training services, or other items necessary for the agency or its personnel to meet the minimum requirements of 202 KAR 7:501;

(b) EMS-related educational tools;

(c) EMS-related continuing education registrations; and

(d) Items on the Department of Homeland Security Authorized Equipment List.

(3)

(a) If seeking reimbursement for attendance at continuing education courses, conferences, or seminars, only expenses directly related to courses or training shall be authorized.

(b) Block grant funds shall not be used for reimbursement of participants' travel, food, gas, lodging, or incidental expenses related to EMS continuing education courses, conferences, or seminars.

Section 5. Accountability.

(1) Each applicant that receives funds and each agency to which the applicants disperse funds shall be jointly accountable for use of all funds distributed.

(2) Each applicant and agency shall submit an electronically filed Grant Accountability of Funds, KBEMS G-4 that includes at a minimum:

(a) Itemization of any previously approved purchases;

(b) Attached receipts for all purchases; and

(c) Included packing slips or invoices.

(3) Each applicant shall submit an electronically filed Grant Accountability of Funds, KBEMS G-4 each year no later than the deadline established in Section 6 of this administrative regulation that accounts for funds that were distributed from the block grant fund for the application year that occurred two (2) years prior to the forthcoming application year.

(4) If an applicant or agency maintains approved carry-over funds in accordance with KRS 311A.155(5), the applicant or agency shall submit proof of the continued availability of those funds. Proof may include, for example, a bank statement, a letter from the designated county or government official, a budgetary line-item, or other evidence sufficient to account for the unused, carry-over funds.

(5) Failure to submit documents accounting for grant funds by the deadline established in Section 6 of this administrative regulation shall subject the applicant or agency to being ineligible for further award of block grant funds.

(6) The board may request documentation of purchases and expenditures during the grant cycle. Failure to comply with this request shall make an applicant or agency ineligible for further award of grant funds.

(7) An agency that fails to comply with subsections (5) or (6) of this section shall also be subject to discipline pursuant to KRS 311A.060.

Section 6. Time limits and Deadlines for Block Grant Funds Awards.

(1) The ambulance block grant funding cycle shall follow a fiscal year of July 1to June 30 each award year.

(2)

(a) All grant funding shall be appropriately expended by the applicant and agency between July 1and June 30 of the fiscal year of award.

(b) All purchases shall be expressly approved on the electronic Agency Application, Kentucky Ambulance Grant, KBEMS G-2 for the fiscal year of award.

(3) The office of the board shall ensure availability of electronic county and agency ambulance block grant applications no later than October 1 of the forthcoming

application year.

(4) The office of the board shall provide a notification of the availability of applications on its Web site and by email to each Class I licensed agency eligible to submit an application no later than October 1 of the forthcoming application year.

(5) County and agency applications for block grant funds shall be received electronically by the office of the board no later than January 31 of each year.

(6) Each applicant and agency shall submit electronically a Grant Accountability of Funds, KBEMS G-4 no later than January 31 of each year which accounts for funds that were distributed from the block grant fund for the application year that occurred two (2) fiscal years prior to the forthcoming application year.

(7) The office of the board shall provide notification by email to the applicants and agencies of their grant award no later than July 1 of each fiscal year of award.

(8) The office of the board shall process payment of awarded grant funds to applicants no later than August 31 of each fiscal year of award.

(9) Submission and approval of an electronic Ambulance Grant Substitute Item Form, KBEMS G-3 shall be approved by the office of the board by May 31 of the current fiscal year of award.

(10) An electronic Ambulance Grant Substitute Item Form, KBEMS G-3 received after the deadline for alternative items not listed on the electronic Agency Application, Kentucky Ambulance Grant, KBEMS G-2 form for the current fiscal year of award shall be denied by the office of the board.

(11) An electronic Ambulance Grant Substitute Item Form, KBEMS G-3 received after the deadline for carry-over funds for the current fiscal year of award shall be denied by the office of the board.

Section 7. Review of Grant Applications.

(1) A grant application shall be subject to review by the office of the board and other entities relevant to the award process.

(2) Review of applications shall include:

(a) Level One Review, which shall determine completeness of the application.

1. An incomplete application shall be denied, and if still within the deadline for application, an amended application may be submitted.

2. If outside the application deadline, the amended application shall be denied; and

(b) Level Two Review, which shall determine regulatory compliance and appropriateness of expenditures.

(3) The executive director of the office of the board shall have approval authority for grant applications and purchase authorization.

(4) Release of ambulance grant funds shall require a majority vote of the board prior to distribution of funds.

Section 8. Grant Program Management.

(1) Implementation and management of the grant program may include employment of an individual with primary responsibility of managing the block grant fund program.

(2) Other responsibilities shall include:

(a) Research of and application for additional EMS grant sources and funding streams that benefit KBEMS' regulatory obligations to licensed agencies; and

(b) Assistance to licensed EMS agencies in their efforts to locate and obtain other EMS grants.

(3) Employment of the grant management employee shall be dependent upon the availability of budgetary funds.

Section 9. Statewide Initiatives.

(1) The board may reserve all or a portion of the block grant funds appropriated to it by the General Assembly if a unanimous vote of the board determines:

(a) That a statewide initiative is necessary to further one (1) or more of the statutory functions of the board in KRS 311A.035; or

(b) A portion of the funds shall be distributed to assist agencies in meeting a federal or state mandate relevant to EMS.

(2) KBEMS shall not reserve funds for statewide initiatives in consecutive years.

(3) Notification of reservation of funds shall be sent to all eligible applicants and agencies by October 1 of the calendar year prior to the grant cycle.

Section 10. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "County Application, Kentucky Ambulance Grant", KBEMS G-1, April 2019;

(b) "Agency Application, Kentucky Ambulance Grant", KBEMS G-2, April 2019;

(c) "Ambulance Grant Substitute Item Form", KBEMS G-3, April 2019; and

(d) "Grant Accountability of Funds", KBEMS G-4, April 2019.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Emergency Medical Services, 118 James Court, Suite 50, Lexington, Kentucky 40505, Monday through Friday, 8:30 a.m. to 4:30 p.m.

(27 Ky.R. 3438; Am. 28 Ky.R. 594; eff. 9-10-2001; 29 Ky.R. 1311; 1763; eff. 1-15-2003; 39 Ky.R. 2056; 40 Ky.R. 278; eff. 8-21-2013; 45 Ky.R. 2760, 3405; eff. 7-5-2019; Crt eff. 6-30-2026.)