

**Legislation and Planning (L&P) Committee Meeting  
 Courtyard by Marriott, Richmond North (Glen Allen)  
 Friday, August 8, 2014  
 9:00 A.M.**

<b>Members Present:</b>	<b>Members Absent:</b>	<b>Staff:</b>	<b>Others:</b>
<b>Rob Logan, Vice-Chair</b>	<b>Michael Player (excused)</b>	Scott Winston	David Hoback
<b>Anita Perry</b>	<b>Mark Stroud</b>	Gary Brown	Kent Weber
<b>Ed Rhodes</b>	<b>Chris Eudailey, Chair (excused)</b>	Michael Berg	Daniel Wildman
<b>Eddie Ferguson</b>		Tim Perkins	Marilyn McLeod, M.D.
<b>Gary Dalton</b>			Damien Coy
<b>Byron Andrews</b>			S. Denene Hannon
<b>Gary Samuels (rep.VPFF)</b>			Jason Ferguson
			Sam Dahl
			Chad Blosser
			Kelly Southard

<b>Topic/Subject</b>	<b>Discussion</b>	<b>Recommendations, Action/Follow-up; Responsible Person</b>
<b>OPENING</b>	<p>Mr. Rob Logan called the meeting to order at 9 AM. The minutes from Friday, May 9, 2014 meeting were reviewed.</p>  <p>2014May9 LP Committee Meeting M</p>	<p><b>Motion made by Ed Rhodes and seconded by Gary Dalton to approve the May 9, 2014 meeting minutes. The Committee voted unanimously to approve the minutes.</b></p>
<b>OEMS UPDATE</b>	<p>Mr. Gary Brown informed the committee to refer to the quarterly OEMS report to the state EMS Advisory Board for updates on key activities. The report is posted on the OEMS Web site at: <a href="http://www.vdh.virginia.gov/OEMS/Files_Page/Advisory_board/ABQuarterlyReport0814.pdf">http://www.vdh.virginia.gov/OEMS/Files_Page/Advisory_board/ABQuarterlyReport0814.pdf</a></p> <p>Mr. Brown informed the committee an orientation program for new members appointed to the state EMS Advisory board was held on Thursday evening, August 7. There are 17 new members appointed to the Board.</p> <p>Mr. Brown briefed the committee on the recent Office of Attorney General(OAG) guidance</p>	

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	<p>regarding the dispersement and use of the 26% Return to Locality (RTL) portion of the EMS Fund.</p> <p>The Assistant Attorney General, at the request of OEMS, has offered the following interpretations for distribution and use of the funds:</p> <ul style="list-style-type: none"> <li>• <i>The ‘statute lays out how funds collected from motor vehicle registration fees are distributed for emergency medical service purposes. Based on the plain reading of the statute, you cannot give the money to an organization not listed in the statute, and you cannot use the money for any reason outside of what’s specified in the statute.’</i></li> </ul> <p>In short, any money going to a regional EMS council to manage and distribute the funds shall be as set forth in the statute. The council cannot retain/receive the funds as an administrative fee, and it cannot use them for any other purpose.</p> <ul style="list-style-type: none"> <li>• <i>‘Any funds received from Section 46.2-694 by a non-state agency cannot be used to match any other funds derived from Section 46.2-694 by that same non-state agency’</i></li> </ul> <p>Simply put, funds returned to localities cannot be used as the matching share of any grants offered using Four-For-Life funds.</p>	
<b>STATE EMS PLAN UPDATE</b>	<p>Mr. Tim Perkins advised the committee the state EMS Plan was unanimously approved by the Board of Health at their Thursday, June 5 meeting. The state EMS Plan is posted on the OEMS Web site at <a href="http://www.vdh.virginia.gov/OEMS/EMSPlan/StateEMSPlan.pdf">http://www.vdh.virginia.gov/OEMS/EMSPlan/StateEMSPlan.pdf</a></p> <p>If you have any questions about the state EMS Plan, please contact Mr. Tim Perkins, State EMS Planner at <a href="mailto:tim.perkins@vdh.virginia.gov">tim.perkins@vdh.virginia.gov</a> or Mr. Scott Winston, Assistant Director at <a href="mailto:scott.winston@vdh.virginia.gov">scott.winston@vdh.virginia.gov</a>.</p>	
<b>Regulatory Updates</b>	<p>Mr. Michael Berg reported the Office of EMS implemented fingerprint based criminal background checks on July 1, 2014 for anyone who, on or after July 1, applies to be a volunteer with or employee of an EMS agency. A total of 240 fingerprint cards were processed by OEMS in June and 334 fingerprint cards were processed in July 2014. OEMS has requested and received approval for a wage position to assist in the Criminal History Unit at OEMS. OEMS is up to date and current with requests for fingerprint based criminal background checks.</p> <p>Mr. Berg reported larger EMS agencies have questioned the need to conduct fingerprint criminal history checks through OEMS if their jurisdiction has enacted a local ordinance in accordance with §19.2-389 and pursuant to §15.2-1503.1. Mr. Berg reported OEMS has obtained guidance from the</p>	

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	<p>OAG and determined fingerprint criminal history checks conducted pursuant to §15.2-1503.1 do not satisfy the requirements of §32.1-111.5. OEMS has heard from a number of EMS agencies that are government based in localities that enacted an ordinance that this process is redundant.</p> <p>Mr. Berg also referenced provisions in the Code that allow the sharing of criminal history record between jurisdictions for individuals in “like positions.” The example of a school teacher was given that has a criminal history in one jurisdiction and then applies for a similar position in another jurisdiction.</p> <p>The Office of EMS intends to remove language in the EMS Regulations that requires EMS personnel to obtain the signature of the medical practitioner on the prehospital patient care report who assumes responsibility for the patient at the hospital whenever a drug is administered or an invasive procedure is performed. The regulatory review package has been approved by VDH administration and the Secretary of Health and Human Resources and is currently awaiting approval by the Governor’s office.</p> <p>Mr. Berg reported a fast track regulatory packet has been submitted to VDH administration to change existing language in the EMS Regulations pertaining to financial assistance for EMS agencies. These changes are technical in nature and do not involve any substantive changes. The packet was reviewed by the Board of Health at their June 5 meeting and is currently under review by the Office of the Attorney General (OAG).</p> <p>OEMS has submitted a fast track regulatory packet to insert the term “affiliation” in 12VAC5-31-910 related to applications for EMS certification and affiliation with an EMS agency. Individuals will be denied membership (affiliation with a licensed EMS agency) and EMS certification if certain criminal or enforcement history exists. The Office of EMS has requested approval by the Commissioner on behalf of the Board of Health in order to expedite this process.</p> <p>The members discussed the formation of a special committee by the Chair of the EMS Advisory Board to examine the issues related to mobile integrated healthcare (MIH). Mr. Logan reported he has learned that the home healthcare community may be opposed to expansion of the definition of EMS to allow EMS agencies to perform this service within the scope of their licensure. Mr. Logan</p>	

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	<p>stated it is important to include representative of the hospice and home health care organizations and well as a Virginia Hospital and Healthcare Assoc. (VHHA) representative. It was reported that Arlington County FD is currently performing MIH services within the scope of their EMS agency license and all regulatory requirements established by VDH, Office of Licensure and Certification (OLC).</p>	
<p><b>2014 Virginia General Assembly Session</b></p>	<p><b>HB581/SB355:</b> Comprehensive EMS “clean-up” bill. The impetus for HB581 and SB355 was from the Division of Legislative Services (DLS) in response to confusion over the use of terms and definitions in the Code related to EMS when dealing with legislation introduced during the 2013 session of the VA General Assembly (HB1856). Currently, EMS agencies are referenced by multiple terms in the code; i.e., rescue squad, life saving crews, first aid crew, volunteer sea rescue, etc.</p> <p>HB 581 (Delegate Chris Stolle) has been carried over to the Health, Welfare and Institutions Committee until the 2015 session of the General Assembly. SB 355 (Senator Richard Stuart) has been carried over until 2015 with a request by the state EMS Advisory Board to review and make recommended changes to the existing bill.</p> <p>Mr. Gary Critzer, Chair of the state EMS Advisory Board requested the creation of a workgroup to review and comment on these bills. It was stated, the EMS community will be in a better position to understand the proposed changes to the code if they have had an opportunity to participate in drafting the language changes.</p> <p>The workgroup has met four times since the February 2014 state EMS Advisory Board meeting (March 14, April 18, May 30, August 1). Changes discussed at previous meetings have been incorporated into the latest draft language (version 08/07/14). Minutes of all workgroup meetings are posted on the OEMS Web site at <a href="http://www.vdh.virginia.gov/OEMS/AdvisoryBoard/Committees/CodeCleanUpWorkgroup.htm">http://www.vdh.virginia.gov/OEMS/AdvisoryBoard/Committees/CodeCleanUpWorkgroup.htm</a></p> <p>The workgroup discussed the guiding principles of the workgroup: To bring the code up to the standard of the EMS Regulations by making technical and not substantive changes to the Code language. Recommended changes to code language made by the workgroup relate to removing citations to Fire/EMS in Title 27 of the Code and moving all references related to EMS to Title 32</p>	

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	<p>of the Health section of the Code, use of consistent terminology to identify the person in charge at the scene of an EMS event, and correct incorrect and interchangeable use of the terms “permit” and “license” and “personnel” and “provider.”</p> <p>The workgroup discussed approving the latest version of the draft bill language (08/07/14) subject to a ten (10) day review period by members of the workgroup. If there are no objections, with consensus of the group, the latest draft bill language will be posted on the OEMS Web site for public comment. Key EMS stakeholder groups will be requested to review the draft bill language and provide comment before the end of September 2014.</p> <p>The workgroup discussed the distinction in code between “fire companies” and “fire departments.” The workgroup ultimately determined this task was beyond the original scope of the workgroup and ultimately took no action. The workgroup also discussed requesting the patrons to withdraw the bills if changes were recommended during the legislative rule making process that resulted in substantive and policy changes.</p> <p>Mr. Byron Andrews requested OEMS send out an executive summary describing the major revisions made to the bill language to the state EMS Advisory Board members and regional EMS Councils in October, following the end of the public comment period.</p> <p>The remaining task of the workgroup is to consider revisions to the 08/07/14 version of the draft bill language following the end of the public comment period (September 30, 2014). A final draft will be presented to the state EMS Advisory Board members prior to their November 5, 2014. The Board will be requested to approve the final bill language at their Nov. 5 meeting.</p> <p>Mr. Rhodes stated he has spoken to Delegate Stolle and Senator Stuart and they have agreed to carry the bills to make changes to language in the code related to EMS.</p> <p><b>HB1010:</b> The committee discussed HB1010 at length. HB1010 is a bill introduced by Delegate Kathy Bryon at the request of the Board of Supervisors in Bedford County. The bill, as introduced, provides that regulations of the Board of Health governing qualifications for certification of emergency medical services providers shall require no more than 40 hours of classroom instruction</p>	<p><b>Motion to accept current version of the draft EMS bill language was made by Ed Rhodes. Seconded by Eddie Ferguson. Motion unanimously approved.</b></p> <p><b>Distribute executive summary describing major revisions to bill language to Advisory Board members and regional EMS councils.</b></p>

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	<p>for certification as an emergency medical responder (EMR) or emergency medical services first responder and no more than 80 hours of classroom instruction for certification as an emergency medical technician (EMT). This bill is carried over pursuant to Rule 22 of the House after it was subsequently defeated in subcommittee on a vote of 8 Yeas and 9 No's.</p> <p>The committee understands the bill was an attempt by local government officials to “shake things up.” The committee does not agree with taking a legislative approach but rather supports coming to the state EMS Advisory Board to express their concerns.</p> <p>David Hoback indicated that other jurisdictions are beginning to express concerns similar to Bedford County. He has heard similar concerns from officials in Campbell County and King and Queen County. Chief Hoback advised the committee that alternatives need to be considered and a product developed to address this growing concern. The prevailing opinion and perception is that “increased training requirements have lead to a decrease in volunteerism.”</p> <p>Byron Andrews stated he has heard some concerns expressed about the accessibility of test sites. Gary Samuels stated the committee should look at justifying why we have what we have today.</p> <p>Mr. Gary Brown shared with the committee he has heard initial discussions about creating a “pilot” training program; however, no specifics were provided. Mr. Brown also stated that the Training and Certification Committee (TCC) and Medical Direction Committee (MDC) of the state EMS Advisory Board are examining concerns related to existing training requirements.</p> <p>The committee agreed a proactive approach is needed and information should be ready to go when this subject comes up again in the VA General Assembly. Factual information about reducing training hours and its impact on meeting National EMS Education standards, requirements for health insurance reimbursements, etc. should be developed. The committee should also revisit the 2004 JLARC report on EMS.</p> <p>Dr. Marilyn McLeod indicated the Medical Direction Committee (MDC) will discuss developing a white paper on training requirements at their next meeting scheduled on October 9.</p> <p>All members of the committee agree it is a very complex subject and there are no immediate</p>	

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	<p>solutions/quick fixes, and probably no permanent solutions to the problem of recruitment and retention of EMS personnel.</p> <p>It was suggested at a prior committee meeting that it would be beneficial to local government officials to offer educational sessions on EMS service delivery. Local government officials need a greater awareness about EMS and a forum to discuss common concerns and issues. In addition, it would be helpful to put together a list of resources local government officials could reference to provide suggestions and ideas about possible solutions and strategies to address their specific situation(s).</p> <p><b>JLARC Study on LODD</b></p> <p>It was reported JLARC conducted interviews this week with representatives of VAVRS and VAGEMSA as part of a cost/benefits study on Line of Duty Death (LODD). A report will be presented to the Commission on December 8, 2014. The meeting is open to the public and will begin at 10 AM in Senate Room A of the Virginia General Assembly Building. Interviewees have advised JLARC staff that the state should retain responsibility for the operation of LODD and more education is needed to inform fire and EMS organizations about the eligibility requirements and how to initiate LODD benefit claims.</p> <p>Additional information about LODD is available on the Virginia Dept. of Accounts web site at . <a href="http://www.doa.virginia.gov/Admin_Services/Line_of_Duty/Line_Of_Duty_Main.cfm">http://www.doa.virginia.gov/Admin_Services/Line_of_Duty/Line_Of_Duty_Main.cfm</a> or <a href="http://www.valoda.org">www.valoda.org</a>.</p>	
<b>UNFINISHED BUSINESS</b>	There is no unfinished business to bring before the committee.	
<b>NEW BUSINESS</b>	There is no new business.	
<b>PUBLIC COMMENT</b>	There is no public comment.	
<b>NEXT MEETING DATE</b>	The committee will meet on Wednesday, November 5 at 10 AM in conjunction with the 35 <sup>th</sup> Annual State EMS Symposium held at the Norfolk Waterside Marriott.	
<b>ADJOURNMENT</b>	The meeting was adjourned at approximately 10:30 AM	