

**Legislation and Planning (L&P) Committee Meeting
Norfolk Waterside Marriott
Wednesday, November 5, 2014
10:00 A.M.**

Members Present:	Members Absent:	Staff:	Others:
Rob Logan, Vice-Chair	Gary Dalton (excused)	Scott Winston	David Hoback
Gary Samuels (rep.VPFF)	Mark Stroud	Michael Berg	S. Denene Hannon
Ed Rhodes	Chris Eudailey, Chair (excused)		Jason Ferguson
Eddie Ferguson	Anita Perry (excused)		Sam Dahl
Michael Player			Chad Blosser
Byron Andrews			Jose Salazar

Topic/Subject	Discussion	Recommendations, Action/Follow-up; Responsible Person
OPENING	<p>Mr. Rob Logan called the meeting to order at 10 AM. The minutes from Friday, August 8, 2014 meeting were reviewed.</p>  <p>2014Aug8 LP Committee Meeting M</p>	<p>Motion made by Ed Rhodes and seconded by Mike Player to approve the Aug. 8, 2014 meeting minutes. The Committee voted unanimously to approve the minutes.</p>
OEMS UPDATE	<p>Mr. Scott Winston 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: http://www.vdh.virginia.gov/OEMS/Files_Page/Advisory_board/ABQuarterlyReport1114.pdf</p> <p>Mr. Winston reported several new hires at OEMS. Ms. Karen Rice and Mr. Bryan Hodges are now working in the Division of Trauma and Critical Care providing assistance and information related to VPHIB. In addition, Ms. Robin Pearce recently began work at OEMS and will be responsible for the Trauma Registry and Trauma Center designation process. Mr. Scotty Williams will begin work as the Northern Virginia EMS Program Representative on Tuesday, Nov. 25 replacing Mr.</p>	

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	<p>Adam Harrell who has taken a position in the OEMS Central Office within the Division of Educational Development (DED) as the ALS Training Specialist. Mr. Romney Smith has resigned as the Western Virginia EMS Program Representative. Interviews for this vacant position will be conducted in early December.</p> <p>Mr. Winston informed the committee a great deal of time is being spent on planning, preparations, training and equipment related to the Ebola Virus Disease (EVD). OEMS has been in regular contact with VDH and provides regular informational updates on EVD on the OEMS Web site at http://www.vdh.virginia.gov/OEMS/EO/Ebola.htm. OEMS will only post information that comes from the Centers for Disease Control (CDC) or VDH on this site.</p> <p>Ms. Karen Owens, EMS Emergency Operations Manager is the primary POC for EVD at OEMS.</p> <p>Eddie Ferguson reported there is an excellent video on the ODEMSA Web site regarding the proper donning and doffing of personal protective equipment (PPE). The video may be viewed on YouTube at https://www.youtube.com/watch?v=ato-qdsxXPo&feature=youtu.be ODEMSA, in partnership with Chesterfield Fire and EMS, Chesterfield Police Department, Bon Secours Virginia and HCA of Virginia produced the video following CDC recommended Donning and Doffing instructions.</p> <p>Chad Blosser reported that the biggest challenge facing the regional EMS council and EMS agencies in the Central Shenandoah EMS Council (CSEMS) region are due to the use of different policies between hospitals in the region. There are different healthcare systems that operate hospitals in the region and there is no consistency or uniformity in the policies and procedures utilized in these facilities.</p> <p>Michael Player stated the Peninsulas EMS Council (PEMS) has been working with the Virginia Hospital and Health Care Association (VHHA) to minimize conflicts in policies and procedures utilized for EVD.</p> <p>Mr. Michael Berg, Manager, Regulation and Compliance reported that there have been no relaxation of the EMS Regulations for equipment requirements pertaining to the transportation of</p>	

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	<p>patients related to EVD. Mr. Berg has answered a number of calls asking if “stripped down” ambulances can be placed in reserve and used exclusively to transport patients with potential or confirmed cases of Ebola.</p>	
<p>REGULATORY UPDATES</p>	<p>Criminal Background Checks</p> <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. OEMS requested and received approval to hire a part-time (32 hour per week) wage position to assist in the Criminal History Unit at OEMS. Ms. Regina Garcia began work at OEMS in September and has quickly caught up all outstanding requests for fingerprint based criminal background checks. Marybeth Mizell serves as Regina’s back-up.</p> <p>Mr. Byron Andrews noted the process of receiving results from criminal background checks is taking several weeks if no delays are encountered. He noted that this may become a deterrent to recruiting new members for volunteer EMS agencies.</p> <p>Elimination of Physician Signature Requirement on Patient Care Reports</p> <p>The Office of EMS initiated action 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, the Secretary of Health and Human Resources and the Governor’s office. The last day for public comment is November 5. Absent any overwhelming opposition, the elimination of the signature requirement will become effective on Nov. 6 and be published in the Virginia Registrar on November 24.</p> <p>Financial Assistance for EMS Agencies</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</p>	

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	<p>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>EMS Personnel Requirements and Affiliation</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>EMS Regulations (12VAC5-31)</p> <p>Mr. Berg briefed the committee on the revision process for the EMS Regulations. A period review of the EMS regulations will be completed in 2016.</p>	
<p>2015 Virginia General Assembly Session</p>	<p>Comprehensive EMS technical “clean-up” bill. The impetus for HB581 and SB355 introduced in 2014 was to address confusion over the use of terms and definitions in the Code related to EMS that came to light when the Division of Legislative Services (DLS) was dealing with legislation (HB1856) introduced during the 2013 session of the VA General Assembly. 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) was carried over to the Health, Welfare and Institutions Committee until the 2015 session of the General Assembly. SB 355 (Senator Richard Stuart) was 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</p>	

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	<p>drafting the language changes.</p> <p>The workgroup 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 http://www.vdh.virginia.gov/OEMS/AdvisoryBoard/Committees/CodeCleanUpWorkgroup.htm</p> <p>The guiding principles of the workgroup were: 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 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 committee also discussed requesting the patrons to withdraw the bills if changes were recommended during the legislative rule making process that could result in any substantive policy changes.</p> <p>At the August 8 meeting, the committee approved the latest version of the draft bill language (08/07/14) subject to a ten (10) day review period by members of the workgroup. During this time, there were no objections noted.</p> <p>The latest draft bill language was posted on the OEMS Web site for public comment and distributed to each member of the state EMS Advisory Board. Key EMS stakeholder groups were requested to review the draft bill language and provide comment before September 30, 2014.</p> <p>The committee considered revisions to the 08/07/14 version of the draft bill language based on comments received during the public comment period (September 30, 2014). The latest version of the draft bill language is attached.</p>	

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	<p data-bbox="527 293 653 407">  EMS Bill Draft (8-7-14).pdf </p> <p data-bbox="489 459 1497 488">A summary of the comments received during the public comment are attached.</p> <p data-bbox="489 532 688 646">  Public Comments suggestions to latest </p> <p data-bbox="489 699 1766 837">The committee reviewed and discussed all comments received during the public comment period. Several comments submitted by Mr. Ed Rhodes were discussed but no action was taken pending further review by Sarah Stanton, Esq., Div. of Legislative Services to determine if there exists any inconsistencies in the use of terms.</p> <p data-bbox="489 881 1745 948"> <u>§46.2-208. Records of Department; when open for inspection; release of privileged information.</u> <i>Consider further revision at a later date.</i> </p> <p data-bbox="489 992 1766 1058"> <i>Line 4065, page 153. At some point this entire paragraph needs to be rewritten so as to make some sense and not keep bouncing back and forth in the descriptions.</i> </p> <p data-bbox="489 1102 1482 1169"> <u>§58.1-3506. Other classifications of tangible personal property for taxation.</u> <i>Recommend a change with input from Division of Legislative Services.</i> </p> <p data-bbox="489 1213 1602 1279"> <i>Line 6711, page 252. Removes the term member and should read along the lines of Member of a volunteer EMS agency / conflicts with volunteer fire department member.</i> </p> <p data-bbox="489 1323 1766 1459"> <i>To be consistent with item 16 in subsection A of §58.1-3506, item 15 in subsection A should read, “Motor vehicles (i) owned by <u>members of a volunteer emergency medical services agency</u> or a member of a volunteer fire department or (ii) leased by volunteer emergency medical services personnel...”</i> </p>	

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	<p><i>As it is currently worded “volunteer emergency medical personnel,” personal property tax relief would only apply to individuals who are volunteer members of an EMS agency who provide emergency medical services pursuant to an EMS agency license under the authorization of that agency’s OMD. Personal property tax relief would <u>not</u> apply to members of a volunteer EMS agency that do <u>not</u> provide emergency medical care.</i></p> <p>A motion was made by Michael Player and seconded by Byron Andrews for the committee to request the state EMS Advisory Board to endorse the draft comprehensive code language clean-up bill, to include any technical changes subsequently recommended by Legislative Services after their final review. A final draft of the bill (version 08/07/14) language is included in the quarterly report to the state EMS Advisory Board distributed in advance to the members prior to their November 5, 2014.</p> <p>Mr. Rhodes stated he has spoken to Delegate Stolle and Senator Stuart and they have agreed to patron the reintroduced bills to make changes to language in the code related to EMS.</p> <p>HB1010: The committee briefly discussed HB1010. HB1010 was introduced by Delegate Kathy Bryon during the 2014 session and seeks to amend regulations of the Board of Health governing qualifications for certification of emergency medical services providers to require no more than 40 hours of classroom instruction 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 was 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>Mr. Rhodes reported he has been working with Mr. Beau Blevins, former state EMS Advisory Board member and VACO Director of Intergovernmental Affairs to educate the membership of VACO about EMS. Mr. Rhodes noted the Health and Human Resources Legislative Committee did remove last year’s language in their legislative agenda pertaining to “unreasonable (EMS training) hours” and have included the following language in their 2015 Legislative Agenda, ” VACo supports increased local involvement in state EMS planning to ensure statewide needs are</p>	<p>Motion made by Michael Player and seconded by Byron Andrews to request endorsement of draft comprehensive EMS Bill language. Motion passed unanimously.</p> <p>Mr. Winston agreed to send Sarah Stanton summary of public comments documents and ask her to look specifically at lines 4065 and 6711 to determine consistency in use of terms.</p>

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	<p>met.”</p> <p>REPLICA (Recognition of EMS Personnel Licensure Interstate Compact)</p> <p>In order for Virginia to participate as a member state of the compact, the REPLICA model legislation will be introduced during the 2015 session of the General Assembly. The model legislation must be approved by the General Assembly without any substantial changes, and the Governor must sign it into law.</p> <p>The committee discussed passing a motion to request the state EMS Advisory Board to support the adoption of the draft model language for REPLICA and its subsequent introduction as a bill in the 2015 session of the Virginia General Assembly.</p> <p>General Fund Budget</p> <p>Mr. Rhodes reported the General Fund budget will be the focus of attention for the upcoming session of the General Assembly. The state faces a projected \$2.4 billion revenue gap over three years.</p> <p>JLARC Study on LODD</p> <p>It was reported JLARC conducted interviews over the summer with representatives of VAVRS, VAGEMSA and VFCA 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 . http://www.doa.virginia.gov/Admin_Services/Line_of_Duty/Line_Of_Duty_Main.cfm or www.valoda.org.</p>	<p>Motion made by Michael Player and seconded by Eddie Ferguson to seek support of the state EMS Advisory Board for the adoption of REPLICA and its subsequent introduction as a bill during the 2015 session of the VA General Assembly. Motion passed unanimously.</p>

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UNFINISHED BUSINESS	There is no unfinished business to bring before the committee.	
NEW BUSINESS	There is no new business.	
PUBLIC COMMENT	There is no public comment.	
NEXT MEETING DATE	The committee will meet on Friday, February 6, 2015 at 9 AM in the Richmond area at a location to be determined.	
ADJOURNMENT	The meeting was adjourned at approximately 11:20 AM	

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