

Virginia EMS Regulations

Part VII.

Designated Regional EMS Councils.

12 VAC 5-31-2300 Purpose of designated regional EMS councils

For the purposes of these regulations regional EMS councils shall be designated by the Board of Health, adhere to policy direction established by the Office of EMS and carry out the development and implementation of an efficient and effective statewide regional EMS system.

12 VAC 5-31-2310 Provision of regional EMS council services within Virginia and compliance wit these regulations.

An organization or person providing designated regional EMS council services within Virginia must comply with these regulations, the applicable regulations of other state agencies, the Code of Virginia and the United States Code. The Office of EMS will publish the Virginia Regional EMS Council Designation Manual, a document that describes and provides guidance on how to comply with these regulations.

12 VAC 5-31-2320 Requirement for regional EMS council designation

Any organization or person establishing, operating, maintaining, advertising or representing itself or any services as a designated regional EMS council must have a valid designation issued by the Board of Health.

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12 VAC 5-31-2330 Designation of a regional EMS council

- A. The Board of Health will designate a regional EMS council that satisfies the representation requirements in these regulations.
- B. The designation of a regional EMS council will be based on:
1. The “Regional EMS Council Designation Manual” Application Process.
 - i. Completed application – Submitted applications missing any information requested will be considered incomplete and will not be processed for designation.
 - ii. Completed Regional EMS Council Self-Assessment Checklist – Comply with all indicated standards.
 - iii. Current roster of the membership of the applicant organization’s board of directors – The roster needs to show all members of the board of directors for the applicant, their addresses, e-mail addresses, phone numbers, and the constituency they represent.
 - iv. Current approved bylaws – A copy of the most recently approved bylaws complete with adoption date.

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- v. Scope of services plan – A plan shall include data and information that demonstrates the qualifications of the applicant to plan, initiate, expand or improve the regional EMS delivery system.
- vi. Budget – A proposed budget for the first year of designation must illustrate costs associated with the applicant’s proposed operations and programs as a designated regional EMS council.
- vii. EMS Involvement – Documentation demonstrating how the applicant organization interacts with EMS agencies and personnel.
- viii. Policies and Guidelines – Up to date policies and guidelines, covering all aspects of the applicants regional EMS councils operations, must show all changes made and be consistent with these Regulations.
- ix. Directory of Localities, Hospitals and EMS Agencies – A Comprehensive directory of the localities, hospitals and EMS agencies the applicant organization will be serving.

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- x. Locality Support – Letters of support from the chief executive officers of the cities and counties within the applicant’s proposed geographic service delivery area confirming support of the application. The letters must be dated within 120 days of the date of application and specify the three-year period for which the applicant seeks designation.
 2. Hospital catchment areas for all hospitals within the applicant’s proposed geographic service delivery area – Hospital catchment areas are the geographic area from which a hospital draws the majority of its patients.
 3. The demonstrated capability to establish community-wide and regional programs.
 4. An evaluation of prior performance as a designated regional EMS council.
- C. The Office of EMS will evaluate the performance and effectiveness of a regional EMS council on a periodic basis.

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12 VAC 5-31-2340 Application Process for Designation

- A. An applicant for regional EMS council designation shall file a written application specified by the Office of EMS.
- B. If the applicant is a company or corporation, as defined in § 12.1-1 of the Code of Virginia, it must clearly disclose the identity of its owners, officers and directors.
- C. An applicant must provide information on any previous record of performance in the provision of related EMS services or any other related licensure, registration, certification or endorsement within or outside Virginia.
- D. Completed application packages must be received in the Office of EMS no later than October 1st to be considered for designation commencing July 1st of the following year.
- E. The application and preliminary review process is to be completed prior to a site review visit.
- F. The Office of EMS may use whatever means of investigation necessary to verify any or all information contained in the application.
- G. If the applicant organization does not comply with the required standards for designation as a regional EMS council, the agent of the applicant organization will be notified of the deficiencies by the Office of EMS.

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- H. If the applicant organization complies with the required standards, the agent of the applicant organization will be notified and arrangements will be made for a site visit by a review team as designated by the Office of EMS.
- I. The Office of EMS will conduct a site review of the applicant.
- J. The applicant organization will receive the written report of the visiting team reviewing its findings and recommendations in accordance with the criteria.
- K. If a deficiency is reported, the Office of EMS may order the designated regional EMS council to correct the deficiency by issuing a written correction order.
- L. If a deficiency requires a re-visit by a site review team a fee commensurate with direct costs will be paid by the applicant.
- M. The site review process will be completed prior to the Office of EMS forwarding a recommendation for designation or denial to the Board of Health.
- N. The Office of EMS will then forward a recommendation for designation or denial to the Board of Health.
- O. Acting upon the favorable recommendation of the site review team and the Office of EMS, the Board of Health may designate the applicant organization as a regional EMS council.
- P. The Office of EMS may schedule unannounced site visits at its discretion.

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12 VAC 5-31-2350 Inspection

A. An applicant agency and all places of operation shall be subject to inspection by the Office of EMS for compliance with these regulations. The inspection may include any or all of the following:

1. All fixed places of operations, including all offices and training facilities.
2. All applicable records maintained by the applicant agency.
3. All vehicles and required equipment used by the applicant agency.

12 VAC 5-31-2360 Designation Approval

A. The Office of EMS will review and make recommendations to the Board of Health determining whether an applicant is qualified for designation based upon the following:

1. An applicant must meet the requirements of these regulations.

B. The Board of Health will make the final determination on regional EMS designation.

C. The designated regional EMS council or applicant has the right to appeal any decision or order of the Office of EMS except as may otherwise be prohibited, and provided such a decision or order was not the final decision of an appeal.

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The designation is for a period of three (3) years, effective July 1, after completion of the designation process.

12 VAC 5-31-2380 Regional EMS councils requesting undesignation

Regional EMS councils desiring to become undesignated by the Board of Health must provide the Office of EMS a minimum of 30 days written notice of intent. Upon review the Office of EMS will forward the request to the Board of Health with its recommendation. Only the Board of Health can grant or remove regional EMS council designation.

12 VAC 5-31-2390 Powers and procedures of regulations not exclusive

The Board of Health reserves the right to authorize any procedure for the enforcement of these regulations that is not inconsistent with the provisions set forth herein or the provisions of § 32.1-111.1 and § 32.1- 27 of the Code of Virginia.

12 VAC 5-31-2400 Exceptions

Exceptions to any provision of these regulations are specified as part of the regulation concerned. Any deviation not specified in these regulations is not allowed except by variance or exemption.

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12 VAC 5-31-2410 Variances

A. The Office of EMS is authorized to grant variances for any part or all of these regulations in accordance with the procedures set forth herein. A variance permits temporary specified exceptions to these regulations. A designated regional EMS council may file a written request for a variance with the Office of EMS on specified forms.

1. The written variance request must be submitted for review and recommendations to the governing body of all localities in service delivery area of the applicant or the designated regional EMS council prior to submission to the Office of EMS.
2. Issuance of a variance does not obligate localities to allow the conditions of such variance if they conflict with local ordinances or regulations.

B. Both the written request and the recommendation of the governing bodies must be submitted together to the Office of EMS.

12 VAC 5-31-2420 Issuance of a variance

A. A request for a variance may be approved and issued by the Office of EMS provided all of the following conditions are met:

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1. The information contained in the request is complete and correct;
2. The regional EMS council concerned is designated by the Board of Health;
3. The Office of EMS determines the need for such a variance is genuine, and extenuating circumstances exist;
4. The Office of EMS determines that issuance of such a variance would be in the public interest and would not present any risk to, or threaten or endanger the public health, safety or welfare;
5. The Office of EMS will consider the recommendation of the governing body provided all of the above conditions are met;
6. The agent of the designated regional EMS council making the request will be notified in writing of the approval and issuance within 30 days of receipt of the request unless the request is awaiting approval or disapproval of a designation. In such case, notice will be given within 30 days of the issuance of the designation.

12 VAC 5-31-2430 Content of variance

A. A variance shall include but not be limited to the following information:

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1. The name of the designated regional EMS council to which the variance applies;
2. The expiration date of the variance;
3. The provision of the regulations that is to be varied and the type of variations authorized;
4. Any special conditions that may apply.

12 VAC 5-31-2440 Conditions of variance

A. A variance shall be issued and remain valid with the following conditions:

1. A variance will be valid for a period not to exceed one year unless and until terminated by the Office of EMS;
2. A variance is neither transferable nor renewable under any circumstances.

12 VAC 5-31-2450 Termination of variance

A. The Office of EMS may terminate a variance at any time based upon any of the following:

1. Violations of any of the conditions of the variance;

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2. Falsification of any information;
3. Suspension or revocation of the designation;
4. A determination by the Office of EMS that continuation of the variance would present a risk to or threaten or endanger the public health, safety or welfare.

B. The Office of EMS will notify the agent of the designated regional EMS council of the termination by certified mail to his last known address.

C. Termination of a variance will take effect immediately upon receipt of notification unless otherwise specified.

12 VAC 5-31-2460 Denial of a variance

A request for a variance will be denied by the Office of EMS if any of the conditions of 12 VAC 5-31-2430 fail to be met.

12 VAC 5-31-2470 Exemptions

A. The Board of Health is authorized to grant exemptions from any part or all of these regulations in accordance with the procedures set forth herein. An exemption permits specified or total exceptions to these regulations for an indefinite period.

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B. A designated regional EMS council may file a written request for an exemption with the Office of EMS on specified forms.

1. The written exemption request must be submitted for review and recommendations to the governing body of all localities in service delivery area of the applicant or the designated regional EMS council prior to submission to the Office of EMS.
2. The written exemption request must be submitted to the Office of EMS a minimum of 30 days before the scheduled review by the governing bodies. At the time of submission, the applicant or designated regional EMS council must provide the Office of EMS with the date, time and location of the scheduled review by the governing bodies.

12 VAC 5-31-2480 Public notice of request for exemption

Upon receipt of a request for an exemption, the Office of EMS will cause notice of such request to be published in a newspaper of general circulation in the area wherein the service delivery area of the applicant or designated regional EMS council making the request and in other major newspapers of general circulation in major regions of the Commonwealth. The cost of such public notices will be borne by the applicant or designated regional EMS council making the request.

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12 VAC 5-31-2490 Public hearing for exemption request

If the Board of Health determines that there is substantial public interest in a request for an exemption, a public hearing may be held.

12 VAC 5-31-2500 Issuance of an exemption

A. A request for an exemption may be approved and an exemption issued provided all of the following conditions are met:

1. The information contained in the request is complete and correct.
2. The need for such an exemption is determined to be genuine.
3. The issuance of an exemption would not present any risk to, threaten or endanger the public health, safety or welfare of citizens.

B. The Board of Health may accept the recommendation of the governing bodies provided all of the conditions in subsection A of this section are met.

C. The agent of the designated regional EMS council making the request will be notified in writing of the approval or denial of a request.

12 VAC 5-31-2510 Content of exemption

A. An exemption includes but is not limited to the following information:

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1. The name of the applicant or designated regional EMS council to whom, the exemption applies;
2. The provisions of the regulations that will be exempted;
3. Any special conditions that may apply.

12 VAC 5-31-2520 Conditions of exemption

- A. An exemption remains valid for an indefinite period of time unless and until terminated by the Board of Health or the Office of EMS, or unless an expiration date is specified.
- B. An exemption is neither transferable nor renewable.

12 VAC 5-31-2530 Termination of exemption

- A. The Office of EMS may terminate an exemption at any time based upon any of the following:
 1. Violation of any of the conditions of the exemption;
 2. Suspension or revocation of designation;

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3. A determination by the Office of EMS that continuation of the exemption would present risk to, or threaten or endanger the public health, safety or welfare.

B. The Office of EMS will notify the agent of the designated regional EMS council to whom the exemption was issued of the termination by certified mail to his last known address.

C. Termination of an exemption takes effect immediately upon receipt of notification unless otherwise specified.

12 VAC 5-31-2540 Denial of an exemption

A request for an exemption will be denied by the Office of EMS if any of the conditions of these regulations fail to be met.

12 VAC 5-31-2550 Right to enforcement

A. The Office of EMS may use the enforcement procedures provided in this article when dealing with any deficiency or violation of these regulations or any action or procedure that varies from the intent of these regulations.

B. The Office of EMS may determine that a deficiency or violation of these regulations or any action or procedure that varies from the intent of these regulations occurred.

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C. The enforcement procedures provided in this article are not mutually exclusive. The Office of EMS may invoke as many procedures as the situation may require.

D. The Commissioner empowers the Office of EMS to enforce the provisions of these regulations.

12 VAC 5-31-2560 Enforcement actions

A. An enforcement action must be delivered to the agent of the affected designated regional EMS council and must specify information concerning the violations, the actions required to correct the violations and the specific date by which correction must be made as follows:

1. Warning: a verbal notification of an action or situation potentially in violation of these regulations.
2. Citation: a written notification for violations of these regulations.
3. Suspension: a written notification of the deactivation and removal of authorization issued under a designation.

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- Action of the Commissioner: the Commissioner may command a designated regional EMS council operating in violation of these regulations or state law pursuant to the Commissioner's authority under § 32.1-27 of the Code of Virginia and the Administrative Process Act to halt such operation or to comply with applicable law or regulation. A separate and distinct offense will be deemed to have been committed on each day during which any prohibited act continues after written notice to the offender.
4. Criminal enforcement: the Commissioner may elect to enforce any part of these regulations or any provision of Title 32.1 of the Code of Virginia by seeking to have criminal sanctions imposed. The violation of any of the provisions of these regulations constitutes a misdemeanor. A separate and distinct offense will be deemed to have been committed on each day during which any prohibited act continues after written notice by the Commissioner to the offender.

12 VAC 5-31-2570 Correction order

- A. The Office of EMS may order the designated regional EMS council to correct a deficiency, cease any violations or comply with these regulations by issuing a written correction order as follows:

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1. Correction orders may be issued in conjunction with any other enforcement action in response to individual violations or patterns of violations.
 2. The Office of EMS will determine that a deficiency or violation exists before issuance of any correction order.
- B. The Office of EMS will send a correction order to the agent of the designated regional EMS council by certified mail to his last known address. Notification will include, but not be limited to, a description of the deficiency or violation to be corrected, and the period within which the deficiency or situation must be corrected, which shall not be less than 30 days from receipt of such order, unless an emergency has been declared by the Office of EMS.
- C. A correction order takes effect upon receipt and remains in effect until the deficiency is corrected or until the designation is suspended, revoked, or allowed to expire or until the order is overturned or reversed.
- D. Should the designated regional EMS council be unable to comply with the correction order by the prescribed date, it may submit a request for modification of the correction order with the Office of EMS. The Office of

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EMS will approve or disapprove the request for modification of the correction order within 10 days of receipt.

E. The designated regional EMS council shall correct the deficiency or situation within the period stated in the order.

1. The Office of EMS will determine whether the correction is made by the prescribed date.
2. Should the designated regional EMS council fail to make the correction within the time period cited in the order, the Office of EMS may invoke any of the other enforcement procedures set forth in this part.

12 VAC 5-31-2580 Suspension of a designation

A. The Office of EMS may suspend a designation without a hearing, pending an investigation or revocation procedure.

1. Reasonable cause for suspension must exist before such action is taken by the Office of EMS. The decision must be based upon a review of evidence available to the Office of EMS.
 - a. The Office of EMS may suspend the designation for failure to adhere to the standards set forth in these regulations.

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- b. The Office of EMS may suspend the designation if the agency, organization or any of its personnel are found to be operating in a manner that presents a risk to, or threatens, or endangers the public health, safety or welfare.
- c. The Office of EMS may suspend the designation for violation of federal or state laws resulting in a civil monetary penalty.
- d. The Office of EMS may suspend the designation for conviction of criminal acts.

B. The Office of EMS will notify the agent of the designated regional EMS council of the suspension in person or by certified mail to his last known address.

C. A suspension takes effect immediately upon receipt of notification unless otherwise specified. A suspension remains in effect until the Office of EMS further acts upon the designation or until the order is overturned on appeal as specified in the Administrative Process Act.

D. The designated regional EMS council shall abide by any notice of suspension.

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E. The Office of EMS may invoke any procedure set forth in this part to enforce the suspension.

12 VAC 5-31-2590 Revocation of a designation

A. The Board of Health may revoke the designation of a regional EMS council after a hearing or waiver thereof.

1. Reasonable cause for revocation must exist before such action by the Board of Health.
 - a. The Board of Health may revoke designation for failure to adhere to the standards set forth in these regulations.
 - b. The Board of Health may revoke designation for violation of a correction order or for engaging in or aiding, abetting, causing, or permitting any act prohibited by these regulations.
 - c. The Board of Health may revoke designation for violation of federal or state laws resulting in a civil monetary penalty.
 - d. The Board of Health may revoke designation for conviction of criminal acts.

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B. The Office of EMS will notify the agent of the designated regional EMS council of the intent to revoke by certified mail to his last known address.

C. The designated regional EMS council will have the right to a hearing.

1. If the designated regional EMS council desires to exercise its right to a hearing, it must notify the Office of EMS in writing of his intent within 10 days of receipt of notification. In such cases, a hearing must be conducted and a decision rendered in accordance with the Administrative Process Act.
2. Should the designated regional EMS council fail to file such notice, he will be deemed to have waived the right to a hearing. In such case, the Board of Health may revoke the designation.

D. A revocation takes effect immediately upon receipt of notification unless otherwise specified. A revocation order is permanent unless and until overturned on appeal.

E. The designated regional EMS council shall abide by any notice of revocation.

F. The Office of EMS may invoke any procedures set forth in this part to enforce the revocation.

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12 VAC 5-31-2600 Judicial review

- A. The procedures of the Administrative Process Act control all judicial reviews.
- B. The designated regional EMS council or applicant has the right to appeal any decision or order of the Office of EMS except as may otherwise be prohibited, and provided such a decision or order was not the final decision of an appeal.
- C. The designated regional EMS council or applicant shall abide by any decision or order of the Office of EMS, or he must cease and desist pending any appeal.
- D. If the designated regional EMS council or applicant who sought the appeal is aggrieved by the final decision, that person may seek judicial review as provided in the Administrative Process Act.

12 VAC 5-31-2610 Submission of complaints

- A. The Office of EMS will investigate complaints related to designation, operation and the delivery of services by regional EMS councils.
- B. Any person may submit a complaint. A complaint is submitted in writing to the Office of EMS, signed by the complainant and includes the following information:
 - 1. The name and address of the complainant;

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2. The name of the designated regional EMS council or person involved;
3. A detailed description of the complaint, including the date, location and conditions and the practice or act that exists or has occurred.

12 VAC 5-31-2620 Investigation process

- A. The Office of EMS may investigate complaints received about conditions, practices, or acts that may violate any provision of either Article 2.1 of Chapter 4 (§ 32.1-111.1 et seq.) of Title 32.1 of the Code of Virginia or provision of these regulations.
- B. If the Office of EMS determines that the conditions, practices, or acts cited by the complainant are not in violation of applicable sections of the Code of Virginia or these regulations; then the Office of EMS will investigate no further.
- C. If the Office of EMS determines that the conditions, practices, or acts cited by the complainant may be in violation of applicable sections of the Code of Virginia or these regulations; then the Office of EMS will investigate the complaint fully in order to determine if a violation took place.

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D. The Office of EMS may investigate or continue to investigate and may take appropriate action on a complaint even if the original complainant withdraws his complaint or otherwise indicates a desire not to cause it to be investigated to completion.

E. The Office of EMS may initiate a formal investigation or action based on an anonymous or unwritten complaint.

12 VAC 5-31-2630 Action by the Office of EMS

A. If the Office of EMS determines that a violation has occurred, it may apply all provisions of these regulations that it deems necessary and appropriate.

B. At the completion of an investigation and following any appeals, the Office of EMS will notify the complainant.

12 VAC 5-31-2640 Designated regional EMS council name

An organization may not apply to conduct business under a name that is the same as, or misleadingly similar to the name of an organization designated by the Board of Health as a designated regional EMS council.

12 VAC 5-31-2650 Composition of designated regional EMS councils

A designated regional EMS council shall include, if available, representatives of the participating local governments, fire protection agencies, law-enforcement

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agencies, emergency medical services agencies, hospitals, licensed practicing physicians, emergency care nurses, mental health professionals, emergency medical technicians and other appropriate allied health professionals.

12 VAC 5-31-2660 Governing body of a designated regional EMS council

- A. A regional EMS council shall be organizationally independent of any other entity.
- B. A regional EMS council shall be governed by a board.
- C. Articles of Incorporation and bylaws shall be in force which specify:
 - 1. Designated regional EMS council representation.
 - 2. Method of designated regional EMS council appointments and/or elections.
 - 3. Governing board representation.
 - 4. Method of governing board appointments and/or elections.
 - 5. Tenure of representatives.
 - 6. Officers, their roles, responsibilities and terms of office.
 - 7. Quorum requirements.
 - 8. Meeting attendance requirements and enforcement policies.
 - 9. Indemnification of officers and directors.

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10. Dissolution of assets.

- D. There shall be a minimum of five (5) members with full voting privileges comprising a governing board.

12 VAC 5-31-2670 Regional EMS plan

- A. A designated regional EMS council, in cooperation with the Governor's EMS Advisory Board, shall develop, maintain, and distribute a comprehensive regional EMS plan for coordinating and improving the delivery of EMS in the regional service area, in accordance with § 32.1-111.3 and § 32.1-111.11 Code of Virginia.

1. The plan shall be submitted for approval by the Office of EMS within one year of designation.
2. The approved plan shall be distributed to the Office of EMS, all localities, EMS agencies, hospitals and EMS physicians within its service delivery area.
3. The plan shall be reviewed and revised, if necessary, every three years and redistributed to the Office of EMS, all localities, EMS agencies, hospitals and EMS physicians within its service delivery area.

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12 VAC 5-31-2680 Regional trauma triage plan

A. A designated regional EMS council, in corporation with the Governor's EMS Advisory Board, shall develop, maintain, and distribute a regional trauma triage plan in accordance with § 32.1-111.3 and § 32.1-111.11 of the Code of Virginia.

1. The plan shall be submitted for approval by the Office of EMS within one year of designation.
2. The approved plan shall be distributed to the Office of EMS, all localities, EMS agencies, hospitals and EMS physicians within its service delivery area.
3. The plan shall be reviewed and revised, if necessary, every three years and submitted for approval by the Office of EMS.
4. The approved revisions shall be distributed to the Office of EMS, all localities, EMS agencies, hospitals and EMS physicians within its service delivery area.

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12 VAC 5-31-2690 Regional training plan

A. A designated regional EMS council shall develop, maintain, and distribute a regional training plan.

1. The plan shall be submitted for approval by the Office of EMS within one year of designation.
2. The approved plan shall be distributed to the Office of EMS, all localities, EMS agencies, accredited EMS training institutions, hospitals and EMS physicians within its service delivery area.
3. The plan shall be reviewed and revised annually, as required by the Office of EMS.
4. The approved revisions shall be distributed to the Office of EMS, all localities, EMS agencies, accredited EMS training institutions, hospitals and EMS physicians within its service delivery area.

12 VAC 5-31-2700 Regional mass casualty incident plan

A. A designated regional EMS council shall develop, maintain, and distribute a regional mass casualty incident plan.

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1. The plan shall be submitted for approval by the Office of EMS within one year of designation.
2. The approved plan shall be distributed to the Office of EMS, all localities, EMS agencies, hospitals and EMS physicians within its service delivery area.
3. The plan shall be reviewed and revised, if necessary, every three years and submitted for approval by the Office of EMS.
4. The approved revisions shall be distributed to the Office of EMS, all localities, EMS agencies, hospitals and EMS physicians within its service delivery area.

12 VAC 5-31-2710 Regional medical protocols

- A. A designated regional EMS council shall develop, maintain, and distribute regional medical protocols that include medication kit restocking procedures.
 1. The protocols shall be distributed to the Office of EMS, all localities, EMS agencies, hospitals and EMS physicians within its service delivery area within one year of designation.

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2. The protocols shall be reviewed and revised, if necessary, every three years and redistributed to the Office of EMS, all localities, EMS agencies, hospitals and EMS physicians within its service delivery area.

12 VAC 5-31-2720 Regional hospital diversion plan

A. A designated regional EMS council shall develop, maintain, and distribute a regional hospital diversion plan.

1. The plan shall be distributed to the Office of EMS, all localities, EMS agencies, hospitals and EMS physicians within its service delivery area within one year of designation.
2. The plan shall be reviewed and revised, if necessary, every three years and redistributed to the Office of EMS, all localities, EMS agencies, hospitals and EMS physicians within its service delivery area.

12 VAC 5-31-2730 Regional medical direction committee

A. A designated regional EMS council shall establish a regional medical direction committee consisting of EMS Physicians within its service delivery area.

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1. The regional medical direction committee shall be established within one year of designation.
2. A regional medical direction committee shall:
 - i. Develop and implement a process for endorsement of EMS physicians.
 - ii. Develop regional medical protocols and make them available for implementation.
 - iii. Develop and implement a process for the provision of concurrent medical direction.
 - iv. Develop recommendations for initial qualifications of prehospital personnel involved in patient care.
 - v. Develop and implement a quality performance improvement program for continuous system and patient care outcome and improvement.

12 VAC 5-31-2740 Regional medical director

A designated regional EMS council shall designate, based on Office of EMS guidelines, a Regional Medical Director for its service delivery area within one year of designation.

12 VAC 5-31-2750 ALS coordinator endorsement

A. A designated regional EMS council shall develop and implement an ALS Coordinator applicant endorsement process.

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B. The regional ALS endorsement process shall have written guidelines and procedures, approved by the Office of EMS, that meet the requirements stated in 12VAC5-31-1700.A.

12 VAC 5-31-2760 Financial assistance for emergency medical services

A. A designated regional EMS council shall participate in the Virginia financial assistance for emergency medical services program and assist eligible EMS agencies and organizations needing funding within the service area.

B. The designated regional EMS council participation in the Virginia financial assistance for emergency medical services program process shall have written guidelines and procedures, approved by the Office of EMS, that meet the requirements stated in 12VAC5-31-2800 thru 12VAC5-31-2900.

12 VAC 5-31-2770 Base funding of designated regional EMS councils

A. Required services provided by a designated regional EMS council may be funded by the state.

B. A designated regional EMS council may receive annual base funding by the state to assist with infrastructure development and maintenance in providing required regional services.

C. A designated regional EMS council shall submit documentation, as required, demonstrating a 25% match for base funding to the Office of EMS.

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1. Moneys received directly or indirectly from the Commonwealth shall not be used as matching funds.

12 VAC 5-31-2780 Matching funds

For the purposes of these regulations, approved matching funds are monetary and only apply to base funding.

12 VAC 5-31-2790 Performance based contract for service

- A. The Office of EMS may enter into performance based contracts for the delivery of specific identified services and projects with designated regional EMS councils.
- B. The contracts will be based upon the specific needs of the regional service delivery area and the requirements of the Office of EMS.

12 VAC 5-31-2795 Accountability for public funds

- A. A designated regional EMS council shall maintain a current operating statement, reflecting revenue and expenditures, available for review.
- B. A designated regional EMS council shall have a current income and expenditure statement available at all governing board meetings.
- C. A designated regional EMS council shall have an independent annual audit of financial records with management letters.

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- D. A designated regional EMS council shall have an independent audit of financial records conducted by a Certified Professional Accountant (CPA) upon change of an Executive Director.
- E. A designated regional EMS council shall retain all books, records, and other documents relative to public funds for five (5) years after the close of the fiscal year the funds were received.
1. The Office of EMS, its authorized agents, and/or state auditors shall have full access to and the right to examine any materials related to public funds during said period.
- F. A designated regional EMS council shall follow generally accepted accounting principles for financial management.
- G. A designated regional EMS council's governing board shall approve it's annual fiscal year (July 1 – June 30) budget by the fifteenth of July of each year.
- H. A designated regional EMS council shall comply with all appropriate federal and state tax-related reporting.
- I. A designated regional EMS council shall follow generally accepted fund raising practices in the charitable field.
- J. A designated regional EMS council shall have written policies that indicate by position, signatories of executed financial and contractual instruments.

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Part VIII.

Financial Assistance for Emergency Medical Services.

12 VAC 5-31-2810 The Financial Assistance and Review Committee (FARC).

A. Financial Assistance and Review Committee Appointments

1. Appointments shall be made for terms of three years or the unexpired portions thereof in a manner to preserve, insofar as possible, the representation of the emergency medical services councils. No member may serve more than two successive terms. The chairman shall be elected from the membership of the FARC for a term of one year and shall be eligible for reelection.
2. The EMS Advisory Board may revoke appointment for failure to adhere to the standards set forth in these regulations, and the State and Local Government Conflict of Interest Act (§ 2.1- 3100 et seq.).
3. Members serving on the FARC on the effective date of these regulations shall complete their current terms of office.
4. Mid-term vacancies shall be filled by nominations submitted from affected designated regional EMS council.

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B. Geographical Representation

1. Designated regional EMS councils shall be eligible to submit nominations to the EMS Advisory Board for representation on the FARC.
2. The eligible designated regional EMS council shall nominate 1 to 3 candidates to fill a vacancy on the FARC. The EMS Advisory Board shall make appointments from the nominations submitted by the designated regional EMS council. Consideration for filling vacancies shall include length of non- representation on the FARC committee in an effort to provide reasonable geographic distribution.
3. A designated regional EMS council whose representative has completed two successive terms on FARC shall not be eligible to submit a nomination for one full term (3 years).

C. Meetings and Attendance

1. The FARC shall meet at least four times annually at the call of the chairman or the Commissioner.
2. Attendance at FARC Grant Review meetings is mandatory for all members.
3. A quorum for a meeting of the FARC shall consist of not fewer than four (4) members.

Virginia EMS Regulations**12 VAC 5-31-2820 RSAF General Grant Program Administration.**

The FARC will administer the RSAF General Grant Program and the funding of RSAF General Grant awards using Office of EMS approved pricing, applicant eligibility, award criteria, and priorities as approved by the EMS Advisory Board.

- A. The Office of EMS shall approve and maintain a list that represents an average price of EMS vehicles, EMS equipment, communications equipment, and EMS education programs frequently requested under the RSAF General Grant Program. This list will be based on current market pricing and is not all-inclusive. RSAF General Grant awards for items maintained on this list shall not exceed the approved amount.
- B. Funding priorities for RSAF General Grants shall be identified in the Virginia Statewide EMS Plan as stipulated in § 32.1-111.3 or special initiatives as approved by the EMS Advisory Board.

12 VAC 5-31-2830 Award of RSAF General Grants.

The following requirements shall apply to the disbursement of funds.

- A. A non-profit licensed EMS agency or other Virginia emergency medical service organization operating on a nonprofit basis exclusively for the benefit of the general public pursuant to *Virginia Code* § 32.1-111.12 is eligible for an RSAF General Grant.

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1. An applicant must be in compliance with these regulations.
- B. Programs, services, and equipment funded by the RSAF must comply with the plans, policies, procedures, and guidelines adopted by the State EMS Advisory Board. Awards are based upon one or more of the following criteria:
1. Establishment of a new EMS agency, program, or service where needed to improve emergency medical services offered in an area;
 2. Expansion or improvement of an existing EMS agency, program, or service;
 3. Replacement of equipment or procurement of new equipment. EMS vehicles purchased with funding from the RSAF shall meet the current state and/or federal standards for the type of vehicle purchased;
 4. Establishment, expansion or improvement of EMS training programs.

12 VAC 5-31-2840 Grant Award Cycle.

The grant period shall be for a period of twelve (12) months from the date of award and there shall be two (2) review cycles per year;

- A. Deadline for submission of applications shall be March 15 and September 15 of each year. Applications must be received in the Office of EMS by 5:00 p.m. of the date of the deadline. In the event the deadline falls on a Saturday, Sunday, State or

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Federal holiday, the application must be received by 5:00 p.m. in the Office of EMS the next business day.

- B. Dates of award shall be July 1 and January 1 of each year.
- C. Other dates in the award process shall be established by the Office of EMS.

12 VAC 5-31-2850 Emergency Awards

- A. The Commissioner empowers the Office of EMS the ability to implement Emergency Grant Awards. The Office of EMS will advise the EMS Advisory Board and FARC of emergency grants awarded and the purpose(s) of disbursement of these funds.
- B. Applications shall be made to the Office of EMS on an approved application form at any time.
- C. The Emergency Grant award will be made or rejected by the Office of EMS within ten (10) business days after receiving an application on an approved form.
- D. Award of funds shall be based upon the demonstrated needs arising from a natural or man-made disaster as defined in *Virginia Code § 44-146.16*.
- E. Award of funds shall be based upon incidents or circumstances involving the loss or potential loss of critical equipment or services.

Virginia EMS Regulations**12 VAC 5-31-2860 EMS System Initiative Awards.**

EMS System Initiative Awards are based on priorities and needs identified by the Advisory Board in concert with the Office to meet EMS system objectives as stipulated in *Virginia Code § 32.1-111.3.*

- A. The Office of EMS or FARC, in consultation with EMS Advisory Board, may implement EMS System Initiative Awards at any time. Examples of such awards would include medically advanced equipment with broad application (automated external defibrillation) and information technology to enhance communications and data (computers).
- B. Applications must be made to the Office of EMS on an approved application form.
- C. The EMS System Initiative Award will be made or rejected by the Office of EMS within thirty (30) business days after receiving an application on an approved form.
- D. EMS System Initiative Awards shall be based upon the demonstrated needs from the following criteria:
 - 1. Establishment of a new EMS agency, program, or service where needed to improve emergency medical services offered in an area;
 - 2. Expansion or improvement of an existing EMS agency, program, or service;

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3. Replacement of equipment or procurement of new equipment. EMS vehicles purchased with funding from the RSAF shall meet the current state and/or federal standards for the type of vehicle purchased;
4. Establishment, expansion or improvement of EMS training programs.

12 VAC 5-31-2870 Responsibilities of the Grantee.

Grantee shall not discriminate in the provisions of its services or in the conduct of its business affairs on the basis of race, color, creed, religion, sex, national origin, or disability.

- A. Grantee must comply with these regulations. The grantee shall be responsible for ensuring that item(s) purchased in whole or in part with the use of the State monies comply with these regulations.
- B. Grantee shall be responsible for the preparation and maintenance of proper accounting records that shall be maintained for a period of not less than five (5) years from the end of the Grant period.

12 VAC 5-31-2880 Application for Award.

- A. Applications must be made to the Office of EMS.
- B. The Office of EMS will review applications for compliance with the EMS Regulations and RSAF policies and procedures. The FARC reviews and grades applications and makes recommendations on funding.

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12 VAC 5-31-2900 Awards.

- A. The Office of EMS shall make awards as approved by the Commissioner.
- B. Grantees will be notified of their award by mail.
- C. Funds may be disbursed to the grantee at any time within the grant period.
 - 1. Agreement to the award and any attached conditions shall be secured prior to any disbursements.
 - 2. Disbursements will be made on a reimbursement basis. Following proof of expenditure for item(s) approved in the award, the authorized agent must submit required documentation (original invoice and signed contract) to the Office of EMS. The Office of EMS will verify submitted documentation and upon approval, authorize the disbursement of the appropriate funds.

12 VAC 5-31-2910 Amount of Grant Award.

- A. The amount of RSAF General Grant award granted an applicant will not exceed fifty percent (50%) of the cost of the item(s) except in documented and approved cases of hardship. The amount of an RSAF General Grant award shall be based upon the amount requested for the item(s) and state approved pricing determined by the Office of EMS. The amount awarded will not exceed the amount requested by the applicant.
- B. Additional funding may be recommended for those unique situations where the applicant has demonstrated the lack of reasonable capability to generate a fifty (50)

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percent match (Hardship). The additional funding above a fifty (50) percent match will be determined by the FARC.

1. Awards identified on the notice of award as being “Hardship” (above a fifty [50] percent match level) require the grantee to purchase from available state contracts.

Awardees, able to demonstrate the ability to purchase at a cost equal to or less than the state contract price, may purchase outside the state contract with prior approval.

2. The FARC shall recommend the percentage of an RSAF General Grant award based upon the review of the application.

12 VAC 5-31-2920 Use of Funds.

- A. Awards will be made in accordance with § 32.1-111.12 of the Code of Virginia.
- B. Funds must be used only for the specific items, service, or programs for which they were awarded. This includes any conditions placed upon a grant award.
- C. The grantee is required to sign an agreement form attesting that the award funds will be used as granted and meets all conditions placed upon the award.

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- D. Sale, trade, transfer, or disposal, within five (5) years of vehicles or items specified by the Office of EMS in the notice of award purchased in whole or in part with the use of state monies requires, prior approval by the Office of EMS.
- E. Funds must not be used for expenditures or commitments made before the date of the Grant award or after the conclusion of the grant period.
- F. Funds will not be approved or disbursed for:
 - 1. Leased equipment or vehicles.
 - 2. Equipment or vehicles secured by a lien.
 - 3. Guarantees or warranties.
 - 4. Used equipment or vehicles without prior approval.
 - 5. Fire suppression apparatus or law enforcement equipment.

12 VAC 5-31-2930 Ownership.

The title for all equipment, including EMS vehicles, shall be in the name of the organization to which the award has been made or in the name of the local jurisdiction or government entity in which the organization is located. This requirement shall apply to the ownership of equipment purchased in whole or in part with the use of these funds.

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12 VAC 5-31-2940 Improper Expenditures.

- A. An audit revealing expenditures not permitted by the conditions of the award will result in the grantee being required to reimburse the Office of EMS any funds received.
- B. An agency providing false, misleading or improper information to the Office of EMS will be ineligible for future grants for a period of five (5) years.

12 VAC 5-31-2950 Modification of an Award.

- A. Any changes in the project, including any changes in the approved item(s), shall be permitted only by modification of the award.
 - 1. The grantee must request in writing the specific modifications desired and the reasons and circumstances necessitating such a request to the Office of EMS.
 - 2. The Office of EMS may modify, approve or deny the request for modification.

12 VAC 5-31-2960 Suspension of an Award.

- A. The Office of EMS may suspend an award and all disbursements of funds attached pending an investigation.
- B. There shall exist reasonable cause for suspension prior to such action by the Office of EMS. Such cause shall include:

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1. Failure to comply with these regulations, or;
 2. Violation of the terms of any conditions or agreements attached to an award,
or;
 3. A reasonable belief by the Office of EMS that any such violations might
otherwise continue unabated.
- C. The Office of EMS shall notify the grantee of the suspension by certified mail to the
last known address.
- D. A suspension shall take effect immediately upon receipt of notification unless
otherwise specified. A suspension shall remain in effect until reinstated or revoked
by the Office of EMS.

12 VAC 5-31-2970 Revocation of an Award.

- A. The Office of EMS may revoke an award and all disbursements of funds attached
after a hearing or waiver thereof.
1. Cause - There must exist reasonable cause for revocation prior to such action
by the Office of EMS.
 2. Notification - The Office of EMS must notify the grantee of the revocation by
certified mail to the last known address.
 3. Period of Effect - A revocation shall be permanent unless and until overturned
on appeal.