

**Legislation and Planning Committee  
Embassy Suites Hotel  
Richmond, VA  
March 11, 2022  
8:30 a.m.**

<b>Members Present:</b>	<b>Members Absent:</b>	<b>OEMS Staff:</b>	<b>Others:</b>
<b>Gary Samuels (Chair)</b>	<b>Michael Player</b>	<b>Scott Winston</b>	<b>Cody Jackson</b>
<b>Beth Adams (Vice Chair)</b>	<b>Steven Higgins</b>	<b>Chris Vernovia</b>	<b>Jen Gruber</b>
<b>Jake O’Shea, MD</b>		<b>Gary Brown</b>	<b>Stephen Pincus</b>
<b>Gary Dalton</b>		<b>Ron Passmore</b>	<b>David Long</b>
<b>Ed Rhodes</b>		<b>Krista Samuels</b>	
<b>Byron Andrews</b>		<b>Daniel Linkins</b>	
<b>Jeff Meyer</b>		<b>Mohamed Abbamin</b>	
<b>Bryan Rush</b>		<b>Charles Feiring</b>	
		<b>Mindy Carter</b>	

<b>Topic/Subject</b>	<b>Discussion</b>	<b>Recommendations, Action/Follow-up; Responsible Person</b>
<b>I. Welcome and Introductions</b>	Chair Gary Samuels called the meeting to order at 8:30 AM.	
<b>II. Review and Approval of Nov. 12, 2021 Minutes</b>	Motion to approve minutes made by Mr. Ed Rhodes and seconded by Jake O’Shea and Beth Adams. The committee unanimously approved the minutes from November 12, 2021 meeting.	<b>Nov. 12, 2021 meeting minutes unanimously approved by the committee.</b>
<b>III. OEMS Update – Quarterly Report to EMS Advisory Board (OEMS Staff)</b>	<p>Mr. Scott Winston reported the quarterly OEMS report to the state EMS Advisory Board is posted on the OEMS Web site at:</p> <p><a href="https://www.vdh.virginia.gov/content/uploads/sites/23/2022/02/OEMS-Quarterly-Report-to-the-State-EMS-Advisory-Board-for-February-4-2022.pdf">https://www.vdh.virginia.gov/content/uploads/sites/23/2022/02/OEMS-Quarterly-Report-to-the-State-EMS-Advisory-Board-for-February-4-2022.pdf</a></p> <p>Members of the committee were encouraged to reference the report for important updates about programs and services provided by the Office of EMS.</p> <p>Mr. Scott Winston provided an update on recent personnel actions at OEMS. The REMS regional EMS office completed interviews for a Performance Improvement Specialist position and selected Kelsey Rideout. The recruitment process for a Technical Resources Specialist position will begin soon. The BREMS regional EMS Office has hired a new Administrative Assistant/Office Manager, Lori Meadows. The CSEMS regional EMS Office has completed recruitment for a Technical</p>	

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	<p>Resource Specialist position and hired Charles Feiring. Keith Roberts is the new Compliance/ Funding Analyst and Mohamed Abbamin is the new Policy Analyst Sr. at OEMS. Mr. Dave Thomas has been hired as the new Fleet and Logistics Manager for OEMS.</p> <p>New members have been appointed by Governor Ralph Northam to the state EMS Advisory Board. The updated roster of EMS Advisory Board members can be viewed on the OEMS web site at <a href="https://www.vdh.virginia.gov/emergency-medical-services/advisory-board-roster/">https://www.vdh.virginia.gov/emergency-medical-services/advisory-board-roster/</a> An orientation for new members will take place today after the state EMS Advisory Board meeting.</p>	
<p><b>IV. State EMS Plan &amp; 2022 EMS Needs Assessment</b></p>	<p>The L&amp;P committee approved the final draft of the state EMS Plan on October 16, 2019. The final draft of the state EMS Plan was approved by the full state EMS Advisory Board on Wednesday, Nov. 6, 2019. The plan was presented to the Board of Health (BoH) for review and approval at the June 04, 2020 meeting.</p> <p>The current version (2020-2022) of the State EMS Plan is available for download via the OEMS website at the link below:  <a href="http://www.vdh.virginia.gov/emergency-medical-services/state-strategic-and-operational-ems-plan/">http://www.vdh.virginia.gov/emergency-medical-services/state-strategic-and-operational-ems-plan/</a></p> <p>Mr. Chris Vernovai reported that the Performance Management Group from VCU will present the findings of the 2022 EMS Needs Assessment to the state EMS Advisory Board today.</p> <p>Dr. Jake O’Shea stated the pandemic has highlighted areas of opportunity. Areas of focus for the state EMS plan should include EMS personnel shortages and hospital diversion/increased wall time at ED’s for patients transported by ambulance.</p>	
<p><b>V. Regulatory Update</b></p>	<p>Mr. Ron Passmore reported the adoption of <b>Chapter 32 of the EMS Regulations</b> by the state EMS Advisory Board is anticipated in August 2022 and will be presented to the Board of Health on September 22, 2022. Several updates to the draft EMS regulations are being worked on by OEMS staff and committees of the state EMS Advisory Board. The Rules and Regulations committee meets on April 6, 2022 to discuss recommended updates to the regulations. Prior to the August 5, 2022 state EMS Advisory Board meeting a draft copy of the EMS Regulations will be distributed to members for review. There will be ample time for written and public comment on the proposed regulations following their approval by the Board of Health.</p> <p><b>Access to Emergency Medications Act (2017). DEA/BoP/OEMS Task Force.</b> OEMS continues to wait for final rules from the DEA pertaining to medications utilized by EMS personnel. The DEA announced a notice of intended regulatory action (NOIRA) in December 2020 and comments were submitted to the DEA by the Medical Direction Council of the National Association of State EMS</p>	

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	<p>Officials (NASEMSO). In the interim, the Task Force continues to meet and discussions with BoP have resulted in the release of a Guidance Document (110-41) by the Board of Pharmacy. Guidance on EMS Drug Kits developed by the Board of Pharmacy in consultation with VA Office of EMS explains that multiple models currently exist for how emergency medical services (EMS) may obtain and store prescription drugs for patient administration. This guidance document summarizes these models and highlights certain requirements under current law and regulation. The models described within this document are the only legally acceptable models for obtaining drugs. In all cases, EMS agencies must possess one of two specific types of Controlled Substance Registration Certificates (CSRC) in order to administer medications to patients in the field. Currently, approximately 70 EMS agencies hold a CSRC.</p> <p>Mr. Passmore reported that EMS educational program that utilize needles, syringes, IV tubing, etc. for educational purposes must have a valid CSRC.</p> <p>Updated Scope of Practice Documents will be presented today to the state EMS Advisory Board for approval. The changes to these documents (both procedures and formulary) include all levels of Virginia EMS certified providers. A guidance document explaining these changes is posted on the OEMS Website at <a href="https://www.vdh.virginia.gov/emergency-medical-services/regulations-compliance/compliance/">https://www.vdh.virginia.gov/emergency-medical-services/regulations-compliance/compliance/</a></p> <p>The EMS Portal is being updated to track non-certified personnel who are affiliated with a licensed EMS agency. Several IT glitches have been identified and fixes are presently being Beta tested. Roll-out of new procedures to report results of criminal history background checks for non-certified personnel will be completed the end of March 2022.</p>	
<p><b>VI. Legislative Actions in the 2022 Sessions of the Virginia General Assembly</b></p>	<p><b>HB 874</b> – Tax credit; automated external defibrillator (AED). Creates a one-time, individual tax credit of up to \$1,200 for the purchase of an AED that is placed in the taxpayer’s vehicle. HB 874 Referred to Committee on Finance and assigned to Finance subcommittee #1. House subcommittee amendments and substitutes were offered. HB 874 on a vote of 6 to 3 by subcommittee #1 was laid on the table. HB 874 subsequently left in Finance.</p> <p>The committee discussed the provisions of this bill and unanimously agreed that any bill that results in more AED’s available to potentially save lives of individuals in sudden cardiac arrest is good. The committee identified and discussed the following details that need to be addressed before any AED bill is re-introduced:</p> <p>Tax deduction vs. tax credit. As written, tax deduction is capped at \$500K. Consider extending the cap to \$1.5M. Bill should address education and training of individuals on the use AED’s.</p>	

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	<p>Maintenance of devices.  Security of devices within vehicle.  Means to notify the public that AED is on the vehicle.  Consider integrating AED's with crowd sourcing programs like PulsePoint to increase the availability of AED's.  Address storing AED in vehicles within the recommended manufacturer's temperature range.  Identify temperature range for safe operation of AED.</p> <p><b>EMS as an Essential Service.</b></p> <p>EMS needs to be recognized as an essential service; the same as police and fire departments.</p> <p>The National Academy of Public Administration recently completed a report on <b>Essential Services</b> and stated there is "no authoritative legal or policy definition of an essential service in the US." What constitutes an essential service is more a matter of local practice than official definition.</p> <p><u>The goal of legislation to recognize EMS as an "essential service" are:</u></p> <ol style="list-style-type: none"> <li>1) Ensure a minimum capability across the state. Counties must ensure the availability of a basic level of EMS (minimum standards for EMS personnel).</li> <li>2) Provide flexibility to organize and finance EMS systems to reflect local circumstances. Counties must be given discretion on how to meet these basic requirements.</li> <li>3) Provide resources (financial, technical, equipment/supplies, etc.) to support voluntary improvement in the EMS system over time. One aspect should include dedicated funding to support county efforts to meet requirements.</li> </ol> <p>Less than 12 states deem EMS an "essential service."</p> <p>A number of states (IA, SC, NY, and IL) are introducing legislation to recognize EMS as an essential service.</p> <p>Legislative efforts to recognize EMS as an essential service in VA were postponed until additional research could be conducted.</p> <p>The committee discussed and agreed a small workgroup should be formed to develop and propose draft legislative language to recognize EMS as an essential service in VA.</p>	<p><b>Workgroup to develop and propose draft legislative language to recognize EMS as an essential</b></p>

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	<p>Mr. Winston requested direction from Krista Samuels, OAG concerning seeking advice for drafting language and receiving consultation from OAG or Legislative Information Services (LIS) attorneys. Ms. Samuels subsequently advised the workgroup to seek advice and consultation from her.</p> <p><b>HB 81/SB 436.</b> Statewide Telehealth Plan; Board of Health shall contract with the Virginia Telehealth Network. Passed by the House and Senate. Requires the Board of Health (the Board) to consult with the Virginia Telehealth Network (VTN) in amending and maintaining the Statewide Telehealth Plan. The bill requires the Board to contract with the VTN, or another Virginia-based nongovernmental organization focused on telehealth if the VTN is no longer in existence, to</p> <ul style="list-style-type: none"> <li>i) Provide direct consultation to any advisory groups and groups tasked by the Board with implementation and data collection,</li> <li>ii) Track implementation of the Statewide Telehealth Plan, and</li> <li>iii) Facilitate changes to the Statewide Telehealth Plan as accepted medical practices and technologies evolve.</li> </ul> <p><b>SB 170.</b> Statewide Telehealth Plan; emergency services coordination. Directs the Dept. of Health to amend the Statewide Telehealth Plan to require health care providers providing telehealth services to directly contact and coordinate with emergency services in accordance with the standard of care that is appropriate to the patient’s situation and to the services rendered during the telehealth visit.</p> <p>At the request of the patron (Mark Peake), SB 170 was stricken from the docket of Senate Education and Health. Agreed to on a vote of 11 to 0.</p> <p><b>Budget Amendments.</b></p> <p>Several Budget amendments were introduced to provide funds to the Trauma Centers in VA. House Appropriates Committee allocated \$13M to designated Trauma Centers in VA from the American Rescue Plan Act (ARPA).</p> <p>Senate Finance Committee allocated \$5M for two-years from the General Fund for designated Trauma Centers in VA.</p>	<p><b>service in VA was agreed to. Jeff Meyer, Ed Rhodes and Beth Adams (Chair) agreed to serve. Scott Winston from OEMS will staff the workgroup. Draft language will be presented to the committee for consideration at their August 2022 meeting.</b></p>
<b>VII. Unfinished Business</b>	None.	
<b>VIII. New Business</b>	No new business. The committee welcomed new member Bryan Rush representing VACO/VML.	

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<b>IX. Public Comment</b>	Chair Gary Samuels asked if there was any public comment, and there was none.	
<b>X. Adjourn</b>	<p>A motion was made by Ed Rhodes and seconded by Jake O’Shea to adjourn the meeting. The committee approved. Chair Gary Samuels adjourned the meeting at 9:45 am.</p> <p>The next meeting of the L&amp;P Committee will be on Friday, May 6, 2022 at 8:30 AM at the Embassy Suites Hotel in Richmond, VA.</p>	<b>Chair Gary Samuels adjourned the meeting at 9:45 am.</b>

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