



Virginia
Regulatory
Town Hall

townhall.virginia.gov

Proposed Regulation Agency Background Document

Agency name	Virginia Office of Emergency Medical Services
Virginia Administrative Code (VAC) citation	12 VAC 5-40, 12 VAC 5-31
Regulation title	Virginia Emergency Medical Services Regulations
Action title	Repeal 12 VAC 5-40, Financial Assistance for Emergency Medical Services, Implement additional provision in 12 VAC 5-31 Regional EMS Council Regulations
Document preparation date	January 30, 2006

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

In a short paragraph, please summarize all substantive changes that are being proposed in this regulatory action.

Financial Assistance - The proposed replacement regulations update the title to reflect actual use for the fund program. The update regulations also reflect current practices and expectations for the committee in the process of its assigned task as identified in § 32.1.111.12 of the Code of Virginia.

Regional EMS Councils - The proposed regulations contains designation criteria, standards of performance, requirements to insure accountability of public and matching funds and requirements for regional emergency medical services (EMS) councils.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly

chapter number(s), if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

Financial Assistance - The Board of Health has the authority to promulgate this regulation under Virginia Code § 32.1-12 and 32.1-111.4. The regulations are consistent with the Board's mandate as set forth in these sections.

Regional EMS Councils - § 32.1-111.11 of the *Code of Virginia* requires the State Board of Health to promulgate regulations governing regional EMS councils.

Purpose

Please explain the need for the new or amended regulation by (1) detailing the specific reasons why this regulatory action is essential to protect the health, safety, or welfare of citizens, and (2) discussing the goals of the proposal and the problems the proposal is intended to solve.

Financial Assistance - § 32.1-111.12 of the Code of Virginia establishes the Virginia Rescue Squad Assistance Fund (RSAF) for the purpose of providing financial assistance to rescue squads and other emergency medical services organizations in the Commonwealth, of providing requisite training for emergency medical services personnel, and of purchasing equipment needed by such rescue squads and organizations. These items support the effective integration of personnel, transportation, communications, facilities, and education and training into a unified system that provides quality emergency medical care, thereby decreasing morbidity, mortality and hospitalization.

Regional EMS Councils - The intent of these regulations aligns with the Virginia Department of Health's mission of promoting and protecting the health of Virginians by reducing death and disability resulting from sudden or serious injury and illness in the Commonwealth. This is accomplished through planning and development of a comprehensive, coordinated regional emergency medical services (EMS) system; and provision of other technical assistance and support to enable the EMS community to provide the highest quality emergency medical care possible to those in need.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. (More detail about these changes is requested in the "Detail of changes" section.)

Financial Assistance - The proposed regulatory action will clarify the regulations governing the Rescue Squad Assistance fund administration and the Financial Assistance Review Committee. It will incorporate changes in the EMS financial assistance program through consistent application of standards and administration of the grant process. New and revised regulations are essential to provide continued safe, efficient and quality emergency medical care to all citizens and visitors of the Commonwealth.

Regional EMS Councils - The new substantive provisions include the following items: purpose of designation of regional EMS councils, compliance with regulations, requirements for regional EMS council designation, the designation process, the application process, inspection procedures, designation approval, designation periods, requesting undesignation, exemption and variance procedures, the right to

and enforcement actions, complaints and investigative processes, the composition and governing bodies of designated regional councils, regional EMS plans, regional trauma triage plans, regional training plans, regional mass casualty incident plans, regional medical protocols, regional hospital diversion plans, regional medical direction committee, regional medical director, ALS coordinator endorsement, financial assistance to emergency medical services, base funding for designated regional EMS councils, matching funds, performance based contract for services and the accountability for public funds.

Issues

Please identify the issues associated with the proposed regulatory action, including:

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
- 3) other pertinent matters of interest to the regulated community, government officials, and the public.*

If the regulatory action poses no disadvantages to the public or the Commonwealth, please so indicate.

Financial Assistance - The proposed regulatory action would provide the administration of the Rescue Squad Assistance grant programs through specifications of policies and procedures for the qualification for EMS financial assistance to purchase the needed equipment, for the provision of training programs, EMS recruitment and retention projects and other specified initiatives. Revision and reorganization of previously issued guidance documents would be included to update the administration of EMS financial assistance programs.

These regulatory actions pose no disadvantages to the public or the Commonwealth.

Regional EMS Councils - The proposed regulations provides oversight of the regional EMS programs through specification of policies and procedures for services provided to the community, EMS providers, EMS agencies, and local governments. The minimum prerequisites for regional EMS council's services will be defined by regulations.

These regulatory actions pose no disadvantages to the public or the Commonwealth.

Economic impact

Please identify the anticipated economic impact of the proposed regulation.

Financial Assistance:

Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source / fund detail, and (b) a delineation of one-time versus on-going expenditures	Financial Assistance for Emergency Medical Services cost code: 0910. There is no anticipated implementation costs associated with these regulations. Enforcement costs: \$36, 030 annual
Projected cost of the regulation on localities	No identified costs to localities.
Description of the individuals, businesses or other entities likely to be affected by the regulation	
Agency's best estimate of the number of such	There are currently over 718 licensed EMS

<p>entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.</p>	<p>agencies and approximately 33,000 EMS personnel.</p>
<p>All projected costs of the regulation for affected individuals, businesses, or other entities. Please be specific. Be sure to include the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses.</p>	<p>No identified costs.</p>

Regional EMS Councils:

<p>Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source / fund detail, and (b) a delineation of one-time versus on-going expenditures</p>	<p>No identified costs.</p>
<p>Projected cost of the regulation on localities</p>	<p>No identified costs to localities.</p>
<p>Description of the individuals, businesses or other entities likely to be affected by the regulation</p>	<p>EMS agencies currently licensed, localities/governments providing EMS responses.</p>
<p>Agency’s best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.</p>	<p>There are currently over 718 licensed EMS agencies and approximately 33,000 EMS personnel.</p>
<p>All projected costs of the regulation for affected individuals, businesses, or other entities. Please be specific. Be sure to include the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses.</p>	<p>No identified costs.</p>

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action.

Financial Assistance - These regulations are required under § 32.1-111.12 of the Code of Virginia. Adoption of the intended regulations will establish minimum standards for EMS agency financial assistance and to continue a process that provides financial assistance to qualified applicants. There are no known alternatives that would better protect the public health safety and welfare of Virginians.

Regional EMS Councils - These regulations are required under § 32.1-111.1 of the Code of Virginia. Adoption of the intended regulations will establish minimum standards for regional EMS councils that reflect currently-accepted and effective approaches. Procedures for agency designation and enforcement

of the regulations will be developed. Each of these elements is essential components to an EMS system in order to guarantee minimum statewide standards in the Commonwealth. There are no known alternatives that would better protect the public health and safety of Virginians.

Public comment

Please summarize all comments received during public comment period following the publication of the NOIRA, and provide the agency response.

Financial Assistance - There are no public comments.

Regional EMS Councils:

Commenter	Comment	Agency response
Nicholas Klimenko	There is no mention of the OEMS or CAAHEP accredited training institutions being included in the regional EMS Training plan or receiving copies of the regional EMS training plan. Since the accredited training institutions are the ones providing all ALS certification training throughout the Commonwealth, they need to be included in the regional training plan development and implementation.	While OEMS agrees with your premise that the accredited training institutions need to be included in the regional training plans OEMS believes that the content of the plans should not be regulated due to the changeability of what type of information may need to be placed in the plan. Specifics of format of plans can be handled through regional performance contracts.
James Chandler	<p>This is provided on behalf of the Tidewater EMS Council Executive Committee which met on September 29, 2003 and developed preliminary comments relative to the draft Regional EMS Council regulations and designation manual:</p> <p>12VAC5-31-3230 Designation Process, section D. This requirement for a resolution or ordinance from each governing body should be waived for any applicant already serving as an EMS council prior to adoption of these regulations, particularly in cases where local governing bodies have demonstrated support for a council through board representation, financial support or other verifiable indicators.</p> <p>12VAC5-31-3370 State Funding for regional EMS Councils, section C. This section regarding match is unclear. If you are asking for an even (50/50) match, then the RSAF</p>	<p>OEMS has reviewed your comments on Section 12VAC5-31-2350 and reaffirms the requirement that an applicant for designation must have an ordinance or resolution from each locality the applicant will be serving. Once an applicant has received a resolution from a locality then it will be in effect for the length of time the locality determines. An applicant would not necessarily have to get a new resolution if the current one is still valid. The applicant would just have to provide copies of the one that applies for that time period.</p> <p>OEMS will define base funding as any funding provided to a designated regional EMS council by OEMS that is not specified in either a contract for service or part of an RSAF grant. Currently regional EMS councils receive no funding from OEMS that would fall into this category.</p>

<p>William H. Thompson, Jr.</p>	<p>program calls that a 50% match. Need to clarify that this does not apply to contract funding. Suggest that match requirements for non-contract funds be aligned to the same as RSAF match requirements (50% normally unless hardship or emergencies can be demonstrated).</p> <p>As Vice-President of the Thomas Jefferson EMS Council, I have carefully reviewed the draft regulations governing EMS Councils, specifically the section relating to the 100% match to State funds. I does not seem clear ~ to me ~ based on the information received from the TJ EMS Council (which was forwarded from Rob Logan following a telephone conversation with Kenny Updyke) whether this is an actual requirement or not.</p> <p>I would like to ask for some clarification on this matter so that I may be armed with the appropriate information before I make a decision to support or oppose this section of the draft regulations.</p> <p>I am strongly opposed to any regulation which mandates a 100% match in funding from the localities which the Regional Councils serve. Those of us who supported and lobbied for the 4-For-Life were lead to believe that this would lift some of the financial burden currently shouldered by the localities within the Regional Councils.</p> <p>.</p>	<p>OEMS will define base funding as any funding provided to a designated regional EMS council by OEMS that is not specified in either a contract for service or part of an RSAF grant. Currently regional EMS councils receive no funding from OEMS that would fall into this category.</p>
---------------------------------	---	---

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability.

Financial Assistance - These regulations will greatly benefit Virginia's families by ensuring a higher level of emergency medical services statewide. Developing a comprehensive, coordinated statewide emergency medical services system is essential in reducing death and disability resulting from sudden or serious, injury and illness in the Commonwealth.

Regional EMS Councils - These regulations will greatly benefit Virginia’s families by ensuring a higher level of emergency medical services statewide. Developing a comprehensive, coordinated statewide emergency medical services system is essential in reducing death and disability resulting from sudden or serious, injury and illness in the Commonwealth.

Detail of changes

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail all new provisions and/or all changes to existing sections.

If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all changes between the pre-emergency regulation and the proposed regulation, and (2) only changes made since the publication of the emergency regulation.

For changes to existing regulations, use this chart:

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale

Financial Assistance – This is a repeal of 12 VAC 5-40 and resubmission as part of 12 VAC 5-31

Regional EMS Councils - There are no existing regulations.