



Virginia Department of Planning and Budget **Economic Impact Analysis**

12 VAC 5-31 Virginia Emergency Medical Services Regulations
Department of Health
March 27, 2014

Summary of the Proposed Amendments to Regulation

The State Board of Health (Board) proposes to eliminate the requirement to have a medical practitioner sign a patient care report (electronic or otherwise) attesting to the delivery of a drug or the performance of an invasive procedure when Emergency Medical Services (EMS) personnel administer drugs, perform invasive procedures or assist patients with their medications.

Result of Analysis

The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact

Each licensed EMS agency is required to have an Operational Medical Director (OMD) who meets criteria specified in the EMS Regulations. Certified EMS providers work under the direction and authorization of the OMD performing medical procedures and drug administration.

If an EMS provider caring for a patient determines that an invasive procedure is required and that a drug needs to be administered, they can do so under the authorization of the OMD. In most cases, the supplies needed for this action are from a drug kit supplied by the hospital, stocked by and sealed by the pharmacist-in-charge. Once this box is opened, there is documentation by the EMS provider noting the procedures and the drugs administered.

Under the current regulation, the EMS provider needs to track down the practitioner at the receiving facility to have them also sign the documentation. In the event the practitioner refuses to sign the document, the OMD would have 7 days to sign the documentation. Until the documentation is signed by the practitioner, the EMS agency cannot exchange the used kit for a

new kit. Finding the practitioner to sign the form, then going to the pharmacy (which may not be on the same floor) can often add significant time before an ambulance at the facility is ready for service for the next call. This has led to ambulances waiting significant times at hospitals for staff to get signatures in order to exchange their drug kit, keeping the ambulances from potentially answering waiting calls for service.

The Board's proposal to eliminate the requirement to have a medical practitioner sign a patient care report attesting to the delivery of a drug or the performance of an invasive procedure when EMS personnel administer drugs, perform invasive procedures or assist patients with their medications would effectively reduce the amount of time an EMS agency at a hospital needs to be out of service to gain signatures prior to the exchanging of drug kits within facilities and returning the units back to service. Effectively this would eliminate unnecessary administrative time spent by the medical practitioner and unnecessary delays in ambulance availability without compromising patient care since the certified EMS providers do work under the direction of the OMD. Thus the proposal, if implemented, should create a net benefit.

Businesses and Entities Affected

The proposed amendment affects the 680 licensed Emergency Medical Services agencies in Virginia.¹

Localities Particularly Affected

The proposed amendment does not disproportionately affect particular localities.

Projected Impact on Employment

The proposed amendment is unlikely to significantly affect employment.

Effects on the Use and Value of Private Property

According to data provided by the Virginia Department of Health, 78 of the 680 licensed Emergency Medical Services agencies are commercial entities. The proposed amendment will enable these firms to reduce delays in providing their services.

¹ Data source: Virginia Department of Health (as of March 27, 2014)

Small Businesses: Costs and Other Effects

Most of the 78 commercial licensed Emergency Medical Services agencies are likely small businesses. The proposed amendment will enable these firms to reduce delays in providing their services.

Small Businesses: Alternative Method that Minimizes Adverse Impact

The proposed amendment does not adversely affect small businesses.

Real Estate Development Costs

The proposed amendment does not significantly affect real estate development costs.

Legal Mandate

General: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia and Executive Order Number 14 (2010). Section 2.2-4007.04 requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the report should include but not be limited to:

- the projected number of businesses or other entities to whom the proposed regulatory action would apply,
- the identity of any localities and types of businesses or other entities particularly affected,
- the projected number of persons and employment positions to be affected,
- the projected costs to affected businesses or entities to implement or comply with the regulation, and
- the impact on the use and value of private property.

Small Businesses: If the proposed regulatory action will have an adverse effect on small businesses, § 2.2-4007.04 requires that such economic impact analyses include:

- an identification and estimate of the number of small businesses subject to the proposed regulation,
- the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents,
- a statement of the probable effect of the proposed regulation on affected small businesses, and
- a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

Additionally, pursuant to § 2.2-4007.1, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules (JCAR) is

notified at the time the proposed regulation is submitted to the *Virginia Register of Regulations* for publication. This analysis shall represent DPB's best estimate for the purposes of public review and comment on the proposed regulation.

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