



Virginia
Regulatory
Town Hall

Notice of Intended Regulatory Action Agency Background Document

Agency Name:	Department of Health
VAC Chapter Number:	12VAC5-31
Regulation Title:	Virginia Emergency Medical Services Regulations
Action Title:	Revision to follow expanded public comment
Date:	May 5, 2003

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

Purpose

Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.

The purpose of the proposed action is to establish Designated Emergency Response Agency (DERA) Standards that provide for a minimum number of members/emergency medical technicians for an EMS Agency to be licensed as a DERA; establish standard times for emergency responses; and, prohibit EMS Personnel from providing emergency medical care while under the influence of medications and/or substances which affect their judgment and abilities. This proposed action involves several regulations that were previously proposed and commented on by the public, later adopted and then withdrawn. The Board chose, due to public interest in discussing issues further, to remove pertinent sections of the recently-adopted comprehensive revisions to the EMS to allow continued public comment. The present action will accomplish that goal.

Basis

Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to

which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.

The following is a comprehensive summary of Virginia law that authorizes the State Board of Health to adopt regulations addressing the provision of emergency medical services in Virginia: Section 32.1-111.3 of the Code of Virginia directs that the Board of Health "shall develop a comprehensive, coordinated, emergency medical care system in the Commonwealth" Section 32.1-111.4 of the Code of Virginia vests authority for the regulation of emergency medical services in the State Board of Health. The law specifically requires that the Board regulate such services by establishing minimum standards for agencies and for emergency services vehicles by type of service rendered and specify the medical equipment, supplies, vehicle specifications and the personnel required for each classification. The law further requires the use of licensure, certification and inspection for compliance.

The intended regulatory action would establish minimum standards for agency, vehicle and personnel. The regulations would include additional requirements for agencies to assist in the identification of a licensed EMS agency's ability to maintain minimum licensure requirements. (See <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+32.1-111.4>)

Section 32.1-111.4 of the Code directs the State Board of Health to prescribe by regulation: Requirements for record keeping, supplies, operating procedures and other [EMS] agency operations; requirements for the sanitation and maintenance of emergency medical services vehicles and their medical supplies and equipment; procedures, including the requirements for forms, to authorize qualified emergency medical services personnel to follow Do Not Resuscitate Orders pursuant to § 54.1-2987.1; requirements for the composition, administration, duties and responsibilities of the State Emergency Medical Services Advisory Board; requirements, developed in consultation with the Emergency Medical Services Advisory Board, governing the certification and recertification of emergency medical services personnel.

The intended regulatory action would require licensed EMS agencies to establish protocols and operating procedures for record keeping.

(See <http://leg1.state.va.us/cgibin/legp504.exe?000+cod+32.1-111.4>)

(<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+32.1-111.9>)

§ 32.1-111.5 of the Code directs the Board of Health to prescribe by regulation the qualifications required for certification and recertification of emergency medical attendants.

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+32.1-111.5>

Substance

Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.

The proposed regulatory action will clarify and simplify the content of EMS regulations. It will also improve EMS agency and personnel compliance with minimum standards. Current regulations do not require a minimum number of personnel for an EMS agency applicant to obtain licensure. This has exposed the citizens to service from EMS agencies that cannot respond at all times.

The agency has determined that new and revised regulations are essential to provide safe, efficient and quality emergency medical care services to all citizens and visitors of the Commonwealth.

Potential issues that will be addressed involve currently licensed EMS agencies that have a small number of personnel.

Alternatives

Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.

The Board will develop proposed regulations for public comment to ensure that they embody the most appropriate, least burdensome and least intrusive framework for effectively administering the Virginia EMS system. The specific alternative identified include not addressing these specific issues. By not proposing regulations establishing minimum personnel standards or response criteria, the citizens would be exposed to EMS agencies that could be unable to provide a response in an emergency. The citizens expect assistance from a licensed EMS agency when called.

Family Impact Statement

Please provide a preliminary analysis of the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

No longer required by executive order.