

**Legislation and Planning (L&P) Committee Meeting
Courtyard by Marriott
Friday, February 13
9:00 A.M.**

Members Present:	Members Absent:	Staff:	Others:
Joan Foster, Chair	Mark Stroud	Scott Winston	David Hoback
Rob Logan, Vice-Chair	Byron Andrews	Michael Berg	Karen Wagner
Ed Rhodes		Gary Brown	Jason Ferguson
Eddie Ferguson		George Lindbeck, MD	Sam Dahl
Michael Player			Chad Blosser
Gary Dalton			Kevin Dillard
Anita Perry			Robert Trimmer
Mike Player			Genemarie McGee
			Dan Norville

Topic/Subject	Discussion	Recommendations, Action/Follow-up; Responsible Person
OPENING	<p>Joan Foster called the meeting to order at 10 AM. The minutes from Wednesday, November 5, 2014 meeting were reviewed.</p>  <p>2014Nov5 LP Committee Meeting M</p>	<p>Motion made by Gary Dalton and seconded by Rob Logan to approve the Nov. 5, 2014 meeting minutes. The Committee voted unanimously to approve the minutes.</p>
OEMS UPDATE	<p>Mr. Scott Winston informed the committee to refer to the quarterly OEMS report to the state EMS Advisory Board for updates on key activities. The report is posted on the OEMS Web site at: http://www.vdh.virginia.gov/OEMS/Files_Page/Advisory_board/ABQuarterlyReport022015.pdf</p> <p>Mr. Winston informed the committee a great deal of time is being spent on planning, preparations, training and equipment related to the Ebola Virus Disease (EVD). OEMS has been in regular contact with VDH and provides regular informational updates on EVD on the OEMS Web site at http://www.vdh.virginia.gov/OEMS/EO/Ebola.htm. OEMS will only post information that comes from the Centers for Disease Control (CDC) or VDH on this site.</p>	

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	Ms. Karen Owens, EMS Emergency Operations Manager is the primary POC for EVD at OEMS.	
STATE EMS PLAN UPDATE	Mr. Winston reported that the current version of the state EMS Plan was approved by the Board of Health on June 5, 2014. The Virginia Office of EMS is mandated by <i>Code</i> to review and revise the state EMS Plan, as necessary, every three (3) years. Later during calendar year 2015, the standing committees of the state EMS Advisory Board will be requested to begin reviewing the state EMS Plan and provide suggested updates and revisions. Further information will be forthcoming.	
REGULATORY UPDATES	<p>Elimination of Physician Signature Requirement on Patient Care Reports</p> <p>The Office of EMS initiated action to remove language in the EMS Regulations that requires EMS personnel to obtain the signature of the medical practitioner on the pre-hospital patient care report who assumes responsibility for the patient at the hospital whenever a drug is administered or an invasive procedure is performed. This provision became effective on Nov. 6 and was published in the Virginia Registrar on November 24.</p> <p>OEMS has learned that in spite of this regulatory change, many pharmacist in charge (PICs) at hospitals across Virginia have elected to continue to require physicians signatures on patient care reports.</p> <p>Financial Assistance for EMS Agencies</p> <p>Mr. Berg reported a fast track regulatory packet has been submitted to change existing language in the EMS Regulations (Part VIII) pertaining to financial assistance for EMS agencies. These changes are technical in nature and do not involve any substantive changes. The packet was reviewed by the Board of Health at their June 5, 2014 meeting and is currently under review by the Office of the Attorney General (OAG). http://townhall.virginia.gov/L/viewstage.cfm?stageid=6969</p> <p>EMS Personnel Requirements and Affiliation</p> <p>OEMS has submitted a fast track regulatory packet to insert the term “affiliation” in 12VAC5-31-</p>	

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	<p>910 related to applications for EMS certification and affiliation with an EMS agency. Individuals will be denied membership (affiliation with a licensed EMS agency) and EMS certification if certain criminal or enforcement history exists. The packet is currently under review by the Secretary of Health and Human Resources (SHHR). http://townhall.virginia.gov/L/viewstage.cfm?stageid=7067</p> <p>EMS Regulations (12VAC5-31)</p> <p>A periodic review of the EMS regulations will be completed in 2016.</p>	
<p>2015 Virginia General Assembly Session</p>	<p>Comprehensive EMS technical “clean-up” bill.</p> <p>HB 1584 (Delegate Chris Stolle) and SB 938 (Senator Richard Stuart) introduced bills during the 2015 session of the Virginia General Assembly to revise terminology related to fire and emergency medical services and reorganize provisions governing fire and emergency medical services in order to provide greater operational and legal clarity.</p> <p>The intent of these bills is to bring the <i>Code</i> up to the standard of the EMS Regulations by making technical and not substantive changes to the code language. Recommended changes to code language made by the workgroup relate to removing citations to Fire/EMS in Title 27 of the <i>Code</i> and moving all references related to EMS to Title 32 of the Health section of the <i>Code</i>, use of consistent terminology to identify the person in charge at the scene of an EMS event, and correct the interchangeable use of the terms “permit” and “license” and “personnel” and “provider” throughout the <i>Code</i>.</p> <p>Mr. Winston and Mr. Rhodes reported that the Senate version of the bill has been approved with some minor amendments to address concerns related to the supervision and control of joint services provided by fire companies or fire departments and EMS agencies in any district or political subdivision whenever one or more fire companies or fire departments and one or more EMS agencies are called and which entity is recognized to be the incident commander and in control at the scene. Other amendments were agreed to related to concerns expressed about the potential of reducing coverage under the medical expense benefits provision of the motor vehicle insurance</p>	

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	<p>policy by changing the term “ambulance” to “emergency medical services vehicle” and the provision of emergency medical services by any county, city or town by contract that exempts the EMS agency from suit for damages by being recognized as an instrumentality of local government. This exemption does not apply to private, for profit, EMS agencies.</p> <p>The Committee discussed recognizing the staff from the Division of Legislative Services that worked with the L&P workgroup to show our appreciation for their direction and guidance during the bill drafting process. The committee discussed recognizing Tom Stevens, Sarah Stanton and David May for their outstanding support and service throughout this process.</p> <p>Eddie Ferguson indicated that VAGEMSA would contribute funds to recognize Tom, Sarah and David. Rob Logan agreed to contact other constituent groups that participated on the work group to solicit contributions to purchase something to express our appreciation for the work that has been done.</p> <p>OEMS will provide each of the individuals with a certification of appreciation for their effort.</p> <p>Fingerprint based Criminal Background Checks</p> <p>Two bills have been introduced in the Senate to amend §32.1-111.5 of the <i>Code of Virginia</i>, relating to EMS personnel; background checks. SB 837 (Sen. Puller) and SB997 (Sen. Stuart) have been combined that will allow localities that have an ordinance to conduct fingerprint based criminal background checks to report an applicant’s eligibility for employment or to serve as a volunteer with an EMS agency to the Office of EMS. Localities that are currently conducting their own criminal background checks will no longer be required to submit an applicant’s fingerprints and personal descriptive information to OEMS for submission through the Central Criminal Records Exchange (CCRE) of the Virginia State Police (VSP) to the FBI. Localities that are conducting their own criminal background checks wish to apply additional exclusionary criteria for membership or employment and these determinations cannot be made unless they are able to receive the results of the state and national records search.</p> <p>The committee discussed a solution does not currently exist to satisfy the needs of the localities as</p>	<p>Motion was made by Ed Rhodes and seconded by Michael Player to present Tom, Sarah and David with a wall plaque or similar item to recognize their assistance and dedicated support. Eddie Ferguson indicated VAGEMSA will contribute and Rob Logan agreed to contact other constituents organizations involved on the workgroup.</p>

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	<p>well as maintain a central point of review and verification of EMS certification eligibility that remains the responsibility of the state that issues the credentials. There has been some mention by VSP that in the future (two year time frame), it may be possible to assign two originating agency identifier (ORI) numbers to a single request in order to share the full criminal history record with the locality and the state.</p> <p>Current criminal history record disclosure laws prevent dissemination of criminal history records to anyone other than the authorized requestor. A question was raised about including a consent form that authorized the further dissemination of criminal history information by the subject of the request. According to the VSP, the FBI indicated this practice was not permitted.</p> <p>REPLICA (<u>R</u>ecognition of <u>E</u>MS <u>P</u>ersonnel <u>L</u>icensure <u>I</u>nterstate <u>C</u>ompact)</p> <p>SB 877 (Sen. Cosgrove) and HB 1660 (Del. Rust) creates the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact to (i) protect the public through verification of competency and ensuring of accountability for patient-care-related activities of licensed emergency medical services (EMS) personnel,(ii) facilitate the day-to-day movement of EMS personnel across state boundaries in the performance of their EMS duties as assigned by an appropriate authority, and (iii) authorize state EMS offices to afford immediate legal recognition to EMS personnel licensed in a member state.</p> <p>In order for Virginia to participate as a member state of the compact, the REPLICA model legislation was introduced during the 2015 session of the General Assembly. The model legislation must be approved by the General Assembly without any substantial changes, and the Governor must sign it into law.</p> <p>HB 1660 was summarily left in the Health, Welfare and Institutions, subcommittee #3 without discussion or full committee vote and SB877 has passed the Senate Education and Health committee and the full Senate on a unanimous vote. After cross over, SB877 has been assigned to HWI sub-committee #3 and it has been reported the sub-committee intends to leave this measure in committee.</p>	

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	<p>LODD (Line of Duty Death)</p> <p>Delegate Chris Jones has introduced legislation to further study LODD and recommends transferring responsibility for administering the program from the Department of Accounts (DOA) to the Virginia Retirement System (VRS) to determine eligibility and Department of Human Resource Management (DHRM) to administer the benefit package.</p> <p>Virginia Association of Counties (VACO) has requested a one (1) year period from the time of death to make the determination of eligibility coverage decision. Over the years, a number of entities have been added to LODD and the eligibility requirements have become more difficult to determine. There is also consideration of setting up a Board and an Appeals Panel to hear appeals to decisions made regarding eligibility for LODD benefits.</p> <p>Information about LODD is available on the Virginia Dept. of Accounts web site at . http://www.doa.virginia.gov/Admin_Services/Line_of_Duty/Line_Of_Duty_Main.cfm or www.valoda.org.</p>	
VIRGINIA FIRE AND EMS CAUCUS	<p>The Virginia Fire and EMS Caucus met in the Speaker of the House Conference Room on the 6th floor of the General Assembly Building on Tuesday, February 2, 2015. The following legislative issues were discussed by those in attendance:</p> <p>LODD, REPLICA, Comprehensive EMS technical language clean-up bills, legislation to increase Department of Fire Programs fund, Fireworks Bill that distinguishes the difference between permissible and consumer fireworks and allows store fronts to carry more product depending if the building has a sprinkler system, Tanerite and potential for creating explosions and violating sound ordinances, and Daycare bills that attempt to regulate the licensure requirements, limit on number of individuals that can be kept at daycare facilities, and require inspections by the Fire Marshall.</p>	
UNFINISHED BUSINESS	There is no unfinished business to bring before the committee.	
NEW BUSINESS	There is no new business.	
PUBLIC COMMENT	There is no public comment.	
NEXT MEETING DATE	The committee will meet on Friday, May 8, 2015 at 9 AM at the Courtyard by Marriott North in Glen Allen, VA.	

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ADJOURNMENT	The meeting was adjourned at approximately 10:20 AM	

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