



# COMMONWEALTH of VIRGINIA

Department of Health

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## MEMORANDUM

**To:** Members of the State Board of Health

**From:** Gary R. Brown, Director  
Office of Emergency Medical Services

**SUBJECT:** Approval of Proposed Draft Regulations relating to *Virginia Emergency Medical Services Regulations 12 VAC5-31*

The following information provides a global overview for changes to the existing *Virginia Emergency Medical Services Regulations 12 VAC5-31*. Upon your review we ask for your approval of the draft proposed regulations as part of the regulatory process to update the 2003 *Virginia Emergency Medical Services Regulations 12VAC5-31* at your February 13, 2009 meeting.

### Part I GENERAL PROVISIONS

#### Article 1 Definitions

Section 10 Definitions: an update section to remove unused terminology and add new terms reflective of changes in certifications and EMS practices.

#### Article 2 Purpose and Applicability

Section 20 Responsibility for regulations; application of regulations: clarification of meaning

#### Article 3 Exemptions, Variances, and Exemptions

Section 50 Variances: correct language to reflect actual *Code* language  
Section 60 Issuance of a variance: correct language to reflect actual *Code* language  
Section 80 Condition of Variance: correct language to reflect actual *Code* language  
Section 90 Termination of variance: correct language to reflect actual *Code* language  
Section 100 Denial of a variance: correct language to reflect actual *Code* language  
Section 120 Public notice of request for exemption: amend to meet recommendation from Attorney General's Regulatory Task Force and utilize current technology for notification

Section 160 Conditions of exemption: correct language to reflect actual *Code* language  
Section 170 Termination of exemption: correct language to reflect actual *Code* language  
Section 180 Denial of an exemption: correct language to reflect actual *Code* language

#### **Article 4 Enforcement Procedures**

The majority of changes within this section are to reflect actual *Code* language and to include the provision of “civil penalty” as defined in HB2238 of the 2005 General Assembly.

#### **Article 5 Complaints**

Section 290 Exclusions from these regulations: clarifying language regarding leased vehicles and language to exempt wheelchair interfacility transport services and their vehicles.

### **Part II EMS AGENCY, EMS VEHICLE AND EMS PERSONNEL STANDARDS**

#### **Article 1 EMS Agency Licensure and Requirements**

Section 350 Ability to pay: change “may” to “shall”  
Section 370 Designated emergency response agency: adds language to require a designated emergency response agency (DERA) to provide service per a defined plan  
Section 380 EMS agency availability: adds language for agencies to meet an approved response plan, identifies special conditions for certain agencies  
Section 390 Destination/trauma triage: adds language to meet Code language changes (SB 344, HB 479, 2008)  
Section 400 Nondiscrimination: change “may” to “shall”  
Section 420 Application for EMS agency license: remove duplicate language  
Section 430 Issuance of an EMS agency license: correct language to reflect actual *Code* language  
Section 480 Termination of EMS agency licensure: amend to meet recommendation from Attorney General’s Regulatory Task Force, utilize current *Code* language and adhere to Virginia Record Retention Act.  
Section 500 Place of Operations: clarify intent and correct citation  
Section 510 Equipment and supplies: reduce number and location for triage tags  
Section 520 Storage and security of medications and related supplies: correct language to reflect actual *Code* language  
Section 530 Preparation and maintenance of records and reports: clarify meaning  
Section 540 Personnel records: removes extra language, adds requirement for National Crime Information Center (NCIC) report as well as a current driving record from DMV  
Section 570 EMS Agency status report: removes unneeded positions to report  
Section 590 Operational Medical Director requirement: clarifying language and correct terminology  
Section 610 Designated emergency response agency standards (ADD): requires DERA agency to develop a response plan with response time standards in conjunction with local government and agency OMD approval. These standards are to be reviewed annually. (House Document 37, JLARC, 2004)

#### **Article 2 Emergency Medical Services Vehicle Permit**

Section 650 Temporary EMS vehicle permit: amend language to “shall”

#### **Article 3 Emergency Medical Services Vehicle Classifications and Requirements**

Section 700 EMS vehicle safety: bans all tobacco use on permitted EMS vehicles and removes language regarding firearms, etc.

Section 710 EMS vehicle occupant safety: amend language to require use of safety straps on stretcher and remove obsolete language

Section 750 EMS vehicle warning lights and devices: requires audible warning devices for ground vehicles only

Section 760 EMS vehicle communications: amends language to confirm to current practice as well as requires adherence to Virginia Interoperability Plan as defined by the Governors' Office on Commonwealth Preparedness

Section 800 Nontransport response vehicle specifications: removes specific citations, correct language to reflect actual *Code* language

Section 810 Ground ambulance specifications: correct language to reflect actual *Code* language, removes obsolete language

Section 820 Advanced life support equipment package: includes new national certification level

Section 830 Neonatal ambulance specifications: correct language to reflect actual *Code* language

Section 840 Air ambulance specification (REPEAL): new section addressing this subject

Section 860 Required vehicle equipment: rewritten from grid format to individual vehicle classification requirements to include removal of outdated equipment (and amounts) and includes new federal safety apparel

#### **Article 4 Air Medical Regulations, Rotor and Fixed Wing Operations (NEW)**

Section 870 Application for agency licensure: required meeting FAR part 135 or part 91, and requires OEMS notification for service interruption greater than 24 hours.

Section 875 Operations and safety: lists items to be included in agency's policies

Section 880 Air medical service personnel classifications: identifies personnel requirements, policies to be addressed and mission types

Section 885 Training: Identifies minimum training requirements for each crew member

Section 890 Equipment: establishes minimum equipment requirements for fixed and rotor aircraft

#### **Article 5 EMS Personnel Requirements and Standards of Conduct**

Section 900 General requirements: remove repetitive language; require notification to OEMS of change in contact information

Section 910 Criminal or enforcement history: amends language to mirror same requirements under the National Registry of EMT's, rewrite for DUI conviction placing greater responsibility on EMS agency to address.

Section 940 Drugs and substance abuse (NEW): requires EMS agency to have policy addressing drug and substance abuse, disallows participation if under the influence

Section 950 Disclosure of patient information: change "may" to "shall"

Section 960 Misrepresentation of qualifications: change "may" to "shall"

Section 970 Interference or obstruction of investigation (NEW): interference or obstruction may be subject to enforcement

Section 1010 Misappropriation or theft of medications: correct language to reflect actual *Code* language

Section 1030 Sexual harassment: amends to include students in classroom settings

Section 1040 Operational medical director authorization to practice: amends language to include use of epinephrine auto injector (HB 1743, 2005), and oxygen in personally owned vehicles (HB 594, 2006)

Section 1050 Scope of practice (NEW): provides language for EMS personnel to not perform above level of certification and local protocols and as authorized by the medical director. (Board of Medicine, "delegated practice" §54.1-3408 Code of Virginia)

Section 1060 Transport without required personnel (REPEAL): addressed in another section  
Section 1140 Provision of patient care documentation: amend language to reflect Board of Pharmacy approved practice for signatures in administration of drugs, correct language to reflect actual *Code* language  
Section 1165 EMS agency mutual aid response (NEW): requires notification to OEMS when EMS agency deploys resources outside of Virginia  
Section 1250 Advanced life support vehicle transport: amends language to include responding without complete staffing.  
Section 1270 Neonatal transport requirements corrects citation  
Section 1280 Air ambulance transport requirements (REPEAL): addressed in Part II, Article 4  
Section 1290 Exemptions (REPEAL): outdated information

### **PART III EMS EDUCATION AND CERTIFICATION**

In consultation with the Attorney General liaison for EMS, those policies found in the Training Procedures and Administration Manual (TPAM) are to be formalized within the EMS regulations. This also provides an update to include changes in certification levels as part of the National Highway Transportation Safety Administration (NHTSA) EMS Educational Agenda for the Future (2000).

### **PART IV EMS PHYSICIAN REGULATIONS**

Section 1810 Qualifications for EMS physician endorsement: corrects formatting error, requires training prior to endorsement,  
Section 1820 Application for EMS physician endorsement: simplifies the endorsement process  
Section 1830 Conditional endorsement: updates process  
Section 1850 Change in EMS Physician contact information: change from 15 to 30 days  
Section 1860 Renewal of endorsement: adds minimum criteria for renewal  
Section 1880 Agreement to serve as an operational medical director: removes duplicative language and section referenced  
Section 1890 Responsibilities of operational medical directors: adds clarifying language  
Section 1950 Physician endorsement exemptions: correct citation error

### **PART VII DESIGNATED REGIONAL EMS COUNCILS**

Section 2330 Designation of a regional EMS council: clarifying language  
Section 2570 Correction order: allows for personal delivery  
Section 2740 Accountability for public funds: adds clarifying language and corrects terminology

We will be present at your February 13, 2009 meeting to provide any explanations needed and solicit your support for approval of the draft proposed regulations.