

**Legislation and Planning (L&P) Committee Meeting
Norfolk Waterside Marriott – Elizabeth Board Room
Wednesday, November 11, 2015
10:00 A.M.**

Members Present:	Members Absent:	OEMS Staff:	Others:
Rob Logan, Vice-Chair (late)	Joan Foster, Chair (Excused)	Gary Brown	Kim Craig
Ed Rhodes	Anita Perry (Excused)	Michael Berg	Jason Ferguson
Eddie Ferguson	Mark Stroud (Excused)	Scott Winston	John Brantley
Michael Player			Denene Hannon
Gary Dalton			Karen Wagner
Byron Andrews			Gary Critzer
Gary Samuels			

Topic/Subject	Discussion	Recommendations, Action/Follow-up; Responsible Person
OPENING	Acting Chair Gary Dalton called the meeting to order at 10 AM. Mr. Dalton agreed to chair the meeting because the Chair Joan Foster was not present and the Vice Chair Rob Logan originally indicated he would not be able to attend the meeting but arrived approximately 25 minutes after the meeting started. The minutes from Friday, May 8, 2015 meeting were reviewed.	Motion made by Ed Rhodes and seconded by Gary Samuels to approve the May 8, 2015 meeting minutes. The Committee voted unanimously to approve the minutes.
OEMS UPDATE	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/ABQuarterlyReport1115.pdf Mr. Winston advised the committee members concerning a number of personnel changes in the Division of Administration and Finance and Division of Trauma and Critical Care Services. Mr. Winston and Michael Berg provided a briefing on a new Licensure, Compliance and Investigations module by Image Trend that will be replacing these programs currently running in Lotus Notes. It is anticipated this project will begin in the first quarter of 2016 and take approx. 6 months to	

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	complete.	
STATE EMS PLAN UPDATE	<p>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. Mr. Winston reported 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. Members of the committee were previously provided a copy of the Federal Interagency Committee on Emergency Medical Services (FICEMS) Strategic Plan and requested to review for suggested core strategies and strategic initiatives that should be included in the state EMS Plan. The timeline for updating the state EMS Plan is to present a plan to the EMS Advisory Board in November 2016/February 2017 and the Board of Health in March 2017/June 2017. Further information will be forthcoming.</p>	
REGULATORY UPDATES	<p>Michael Berg reported that information about the Virginia EMS Regulations that appears on the OEMS web site is linked to the Legislative Information Services web site at http://law.lis.virginia.gov/admincode/title12/agency5/chapter31/</p> <p><u>Financial Assistance for EMS Agencies</u></p> <p>Mr. Berg reported a fast track regulatory packet has been approved by the Office of the Attorney General (OAG), Department of Planning and Budgeting (DPB), Secretary of Health and Human Resources (SHHR) and reviewed by the Governor’s Office on Oct. 23, 2015. The proposed amendments to regulations will be published in the Virginia Registrar on November 16, 2015 (Volume 32 Issue 6) and a public comment forum is open from November 16 to December 16. The effective date of the regulatory changes is January 4, 2016. Information about this regulatory action can be found on the Virginia Townhall web site at (http://townhall.virginia.gov/L/viewstage.cfm?stageid=6969)</p> <p><u>EMS Personnel Requirements and “Affiliation”</u></p> <p>OEMS submitted a fast track regulatory packet to insert the term “affiliation” in 12VAC5-31-910 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 has been reviewed by the Governor’s Office and</p>	

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	<p>although the Townhall web site shows this packet as “review in process” (<i>OEMS has learned following the committee meeting that the Governor does not intend to sign off on this regulatory packet. OEMS received word from a Policy Analyst in the Governor office that the Governor does not support this action because it might potentially limit employment/volunteer opportunities for individuals convicted of certain crimes.</i>) Information about this regulatory action can be found on the Virginia Townhall web site at (http://townhall.virginia.gov/L/viewstage.cfm?stageid=7067)</p> <p><u>Amend EMS Regulations pertaining to certain definitions a.k.a Comprehensive EMS technical “clean-up” bill.</u></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>Mr. Berg reported that this action is exempt from article 2 of the Administrative Process Act (APA). The normal executive branch review process is not required. The proposed amendments to the definition of Emergency Medical Services, Emergency Medical Services agency, Emergency Medical Services personnel, Emergency Medical Services provider and others was published in the Virginia Registrar (Volume 32 Issue 2) on September 21, 2015. No comment period was held for this exempt action/stage. The effective date of this regulatory change was October 22, 2015.</p> <p><u>Chapter 66: Regulations Governing Durable Do Not Resuscitation Orders</u></p> <p>OEMS will soon initiate a periodic review of the Regulations Governing DDNR Orders. OEMS has learned that licensed health care practitioners are hesitant to recognize other DNR Orders pursuant to 12VAC5-66-60. Qualified health care personnel are authorized to honor any Other Do Not Resuscitate (DNR) Order as if it were a Durable Do Not Resuscitate Order when the patient is currently admitted to a hospital or other qualified health care facility or is in transit from a qualified health care facility provided that such order includes the same information as listed in subdivision 1 of <u>12VAC5-66-40</u>, except that an Other DNR Order shall not be required to include the signature of the patient or a person authorized to consent for the patient on the order itself.</p>	

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	<p>Individual organizations and associations have advocated for adding reference to specific other DNR orders in the DDNR regulations. Specifically, requests to add Physician Orders for Scope of Treatment (POST) and Physician Orders for Life-Sustaining Treatment (POLST) to the DDNR regulations have been made.</p> <p>OEMS is planning to submit a regulatory packet in the next several months to add POST and POLST to the definition of other DNR orders (12VAC5-66-60).</p> <p><u>Chapter 31: Virginia Emergency Medical Services Regulations</u></p> <p>Mr. Berg announced the OEMS will initiate a periodic review of the Virginia EMS Regulations next year. The Rules and Regulations Committee of the state EMS Advisory Board will be tasked with reviewing the existing regulations and making recommendations to the state EMS Advisory Board for amendments and changes to the regulations.</p> <p><u>Fingerprint based Criminal Background Checks</u></p> <p>During the 2015 session of the Virginia General Assembly, two bills were 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) were subsequently combined that allows 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 are not 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.</p> <p>Mr. Berg reported the approved changes went into effect on July 1, 2015. OEMS is currently in the process of developing an online process for localities to notify OEMS with background check results.</p>	

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	<p><u>Transportation Committee</u></p> <p>The Transportation Committee of the state EMS Advisory Board is reviewing ambulance standards developed by NFPA 1917 and CAAS GVS2015 as well as the ASTM-30 standards. The Transportation Committee will make recommendations to the Rules and Regulations Committee concerning what ambulance standards should be utilized in Virginia and eventually included in the Virginia EMS Regulations.</p>	
<p>2016 Virginia General Assembly Session</p>	<p><u>REPLICA (Recognition of EMS Personnel Licensure Interstate Compact)</u></p> <p>On Thursday, September 3, 2015 a meeting was held with Delegate Bobby Orrock at his residence in Caroline County. Kevin Dillard set up the meeting which was attended by Kevin, Gary Critzer, Gary Brown, Ed Rhodes and Scott Winston. The meeting provided the opportunity to inform Delegate Orrock about the key provisions of REPLICA and its importance to the EMS system in VA. Delegate Orrock's concerns were addressed and several enactment clauses were agreed to before the bill is re-introduced. One clause seeks to provide the EMS Advisory Board the option to evaluate the compact and withdraw from the compact if conditions change that become disagreeable to the key EMS stakeholders in Virginia. A second clause will be added that requires the measure to be re-evaluated if it takes greater than five (5) years for 10 states to adopt the compact and form a commission with rule making authority.</p> <p>Mr. Rhodes indicated he has agreements from several delegates and a senator to patron/co-patron the bill for the 2016 General Assembly session.</p> <p><u>Cot/Stretcher Retention System Funding</u></p> <p>Mr. Rhodes stated he has patrons on both sides of the aisle that have agreed to submit budget amendments to provide additional funding to non-profit EMS agencies to cover the cost of meeting new cot retention system requirements for ambulances. Budget amendments in the amount of \$840K each year will be introduced with the revenue coming from a portion of the additional \$2 per automobile registration that was previously approved by the General Assembly to support the EMS system in VA but was diverted to the General Fund to offset budget deficits.</p>	

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	<p><u>Immunity Driving Bill</u></p> <p>Ed Rhodes reported bills that are supported by VAVRS and VFCA will be introduced to provide volunteers with the same immunity from civil liability as career personnel when driving Emergency Vehicles unless gross negligence can be shown. In order to enjoy this immunity, providers would have to complete an approved Emergency Vehicle Operator Course (EVOC) . Currently, there is no driving requirement for fire services personnel in Virginia.</p> <p><u>Line of Duty Death Benefits</u></p> <p>Mr, Rhodes reported that Delegate Chris Jones is working with stakeholders on several versions of a Line Of Duty Death (LODD) bill. Mr. Rhodes indicated he has no idea what will ultimately be included in these bills.</p> <p>On November 17, 2015, the major fire/EMS stakeholders have a meeting with Del. Jones to discuss these bills. One provision of the bill requires the Secretary of Public Safety and the Secretary of Health and Human Resources to develop a LODD training program for EMS and fire personnel. The classes must be conducted on a biennial basis. There is language in these bills to take the responsibility of LODD benefits from the Department of Accounts (DOA), and divides them between the Virginia Retirement System (VRS) and the Department of Human Resource Management (DHRM). In addition, beneficiary cards must be completed every 2 or 3 years depending upon what version of the bill is adopted by the General Assembly.</p> <p>Per Mr. Rhodes, it is difficult to determine an accurate definition of the term “volunteer” as it pertains to being an active member of an organization (Running calls?, Training?, Meeting Attendance?) , as well as determining how the process would work for providers who work for multiple agencies.</p> <p>Mr. Rhodes also stated that a constitutional amendment may be introduced to exempt spouses of eligible individuals killed in the line of duty from paying personal property taxes.</p>	

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	<p><u>Department of Motor Vehicle issued Emergency Vehicle (EV) License Plates</u></p> <p>Any eligible entity applying for an EV license plate must attest and certify that, in accordance with Virginia Code § 46.2-649.1:1, the vehicle is (i) a firefighting truck, trailer, and/or semi-trailer on which firefighting apparatus is permanently attached when the vehicle is owned or under exclusive control of a volunteer fire department or (ii) an <u>ambulance</u> or <u>other vehicle</u> owned or used exclusively by a volunteer fire department or <u>volunteer lifesaving or first aid crew or rescue squad vehicle</u> used exclusively as an ambulance or lifesaving and first aid vehicle and is not rented, leased, or lent to any private individual, firm, or corporation, and no charge is made by the organization for the use of the vehicle and such vehicle is painted with required signage. Vehicle must be owned by or under the exclusive control of a <u>volunteer fire-fighting or volunteer emergency medical services (EMS) organization</u> that is organized in accordance with Title 27 of the Virginia Code in a town, city or county of the Commonwealth, with the approval of the governing body thereof.</p> <p>Legislation will be introduced to allow commercial ambulance services to apply for EV license plates, but this will not exclude them from applicable licensing fees, personal property taxes, or other registration fees. Presently, ambulances operated by commercial ambulance services are issued a variety of license plates by customer service center (CSC) employees of DMV, to include “for-hire” tags. This bill would eliminate the confusion surrounding which license plate should be issued to a commercial ambulance service and what fee they are charged to register an ambulance or other EMS vehicle in VA.</p>	
UNFINISHED BUSINESS	There is no unfinished business to bring before the committee.	
NEW BUSINESS	A request was made to place the following items on the agenda for the committee to discuss at their next meeting scheduled on February 5, 2016: structure and membership on the committee and consider making replacements on the committee for members who fail to comply with the attendance requirements outlined in the state EMS Advisory Board Bylaws.	
PUBLIC COMMENT	There is no public comment.	
NEXT MEETING DATE	The committee will meet on Friday, February 5, 2016 at 9 AM at the Courtyard by Marriott North in Glen Allen, VA. Meeting dates for the remainder of 2016 are Friday, May 6; Friday, August 5; and Wednesday, November 9. All meetings begin at 9 AM and will be held at the Courtyard by Marriott with the exception of the November 9 meeting which will be held at the Norfolk	

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	Waterside Marriott and begin at 10 AM.	
ADJOURNMENT	The meeting was adjourned at 10:50 AM.	

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