

**Legislation and Planning Committee
Embassy Suites Hotel
Richmond, VA
November 12, 2021
9:00a.m.**

Members Present:	Members Absent:	OEMS Staff:	Others:
Gary Samuels (Chair)	Rich Orndorff, Jr.	Scott Winston	Kevin Dillard
Beth Adams	Jeff Meyer - excused	Cam Crittenden	Dreama Chandler
Jake O'Shea, MD	Byron Andrews	Gary Brown	JC Bolling
Gary Dalton		Ron Passmore	David Long
Ed Rhodes		Krista Samuels	
Michael Player		Daniel Linkins	
Steve Higgins			

Topic/Subject	Discussion	Recommendations, Action/Follow-up; Responsible Person
I. Welcome and Introductions	Chair Gary Samuels called the meeting to order at 9:00 AM.	
II. Review and Approval of February 07, 2020 Minutes	Motion to approve minutes made by Mr. Michael Player and seconded by Beth Adams. The committee unanimously approved the minutes from August 06, 2021 meeting.	August 6, 2021 meeting minutes approved by the committee.
III. OEMS Update – Quarterly Report to EMS Advisory Board (OEMS Staff)	<p>Mr. Scott Winston reported the quarterly OEMS report to the state EMS Advisory Board is posted on the OEMS Web site at https://www.vdh.virginia.gov/content/uploads/sites/23/2021/10/OEMS-Quarterly-Report-to-the-State-EMS-Advisory-Board-for-November-12-2021.pdf</p> <p>Members of the committee were encouraged to reference the report for important updates about programs and services provided by the Office of EMS.</p> <p>Mr. Gary Brown provided an update on recent personnel actions at OEMS. Wanda Street was selected for the vacant Executive Secretary position. Mindy Carter, RN interviewed and was selected as the new Trauma and Critical Care Division Director. The REMS regional EMS office completed interviews for a Performance Improvement Specialist position and will begin the recruitment process for a Technical Resources Specialist position. The BREMS regional EMS Office has hired a new Administrative Assistant/Office Manager. The CSEMS regional EMS Office has begun recruitment</p>	

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	<p>for a Technical Resource Specialist position. There is a Policy Analyst and Policy Analyst Sr. position under recruitment at OEMS.</p> <p>Mr. Brown provided the committee an update on the 41st Annual EMS Symposium held in Norfolk, VA on Nov. 3 – 7. New members have been appointed by Governor Northam to the state EMS Advisory Board. The updated roster of EMS Advisory Board members can be viewed on the OEMS web site at https://www.vdh.virginia.gov/emergency-medical-services/advisory-board-roster/</p>	
IV. State EMS Plan	<p>The L&P committee approved the final draft of the state EMS Plan on October 16, 2019. The final draft of the state EMS Plan was approved by the full state EMS Advisory Board on Wednesday, Nov. 6, 2019. The plan was presented to the Board of Health (BoH) for review and approval at the June 04, 2020 meeting.</p> <p>The current version (2020-2022) of the State EMS Plan is available for download via the OEMS website at the link below: http://www.vdh.virginia.gov/emergency-medical-services/state-strategic-and-operational-ems-plan/</p>	
V. Regulatory Update	<p>Mr. Ron Passmore reported the adoption of Chapter 32 of the EMS Regulations has been held for several updates to be completed by OEMS staff and committees of the state EMS Advisory Board. The MIH/Community Paramedic workgroup completed a white paper defining the requirements for MIH/CP programs, conforming definitions related to REPLICA have been completed, the Medevac Committee has recommended updates related to staffing, the Accreditation, Certification and Education (ACE) Division has made recommendations related to recent changes announced by the National Registry of EMT's, and the EMS for Children Committee is reviewing safety equipment requirements for children. Mr. Passmore reported he hopes to complete a final draft of the EMS Regulations in early December 2021 for distribution to the EMS Advisory Board. It will likely take 12 – 18 months for this process to conclude. It is anticipated the final draft of Chapter 32 of the EMS Regulations will be presented to the state EMS Advisory Board at their meeting in February 2022. There will be ample time for written and public comment on the proposed regulations.</p> <p>Access to Emergency Medications Act (2017). DEA/BoP/OEMS Task Force. OEMS continues to wait for final rules from the DEA pertaining to medications utilized by EMS personnel. In the interim, the Task Force continues to meet and discussions with BoP have resulted in a Guidance Document (110-41) that is currently under public comment which closes on November 24, 2021. Guidance on EMS Drug Kits developed by the Board of Pharmacy in consultation with VA Office of EMS explains that multiple models currently exist for how emergency medical services (EMS) may obtain and store prescription drugs for patient administration. This guidance document summarizes these models and highlights certain requirements under current law and regulation. The models described within this</p>	

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	<p>document are the only legally acceptable models for obtaining drugs. In all cases, EMS agencies must possess one of two specific types of Controlled Substance Registration (CSR) certificates in order to administer medications to patients in the field. Currently, approximately 70 EMS agencies hold a CSR.</p> <p>Guidance Document (110-41) can be viewed on the Virginia Regulatory Town Hall under the Department of Health Professions (Agency 223) Public Comments on Guidance Documents.</p> <p>Mr. Passmore reported the Commissioner has approved a Return to Practice policy document that mirrors the Health Practitioner Monitoring Program (HPMP) developed by the Department of Health Professions. Individuals who have had their privilege to practice suspended due to a chemical dependence impairment must wait one year from their enforcement action and complete requirements established in the policy in order to be considered for return to practice.</p> <p>https://www.vdh.virginia.gov/content/uploads/sites/23/2021/08/Letterhead-Guideline-for-Reinstatement-of-EMS-Providers-Suspended-Because-of-Impairment.pdf</p>	
<p>VI. Legislative Actions in the 2020 & 2021 Sessions of the Virginia General Assembly</p>	<p>SB-386 –EMS Data Sharing Agreement. Authorizes the State Health Commissioner to establish an open data portal to disclose certain confidential data in the Emergency Medical Services Patient Care Information System. VDH Data Governance Committee is working with the Chief Data Officer in the Governor’s office to place data that can be queried in the Library of Virginia.</p> <p>HB-1332 – Telehealth Plan. Directs the Board of Health to develop and implement, by January 1, 2021, and thereafter maintain as a component of the State Health Plan a <u>Statewide Telehealth Plan</u>. The Virginia Department of Health pulled together a working group to aide in the development of the State Telehealth Plan (STHP) as outlined in HB1332 (Kilgore) that directs the Board of Health to develop and implement, by January 1, 2021, and thereafter maintain as a component of the State Health Plan, a Statewide Telehealth Plan (the Plan) to promote an integrated approach to the introduction and use of telehealth services and telemedicine services in the Commonwealth.</p> <p>Deadline extended to March 1, 2021. Draft of plan released January 20, 2021. VDH Executive Leadership reviewed in February 4, 2021. Plan submitted to General Assembly in March 2021.</p> <p>https://www.vdh.virginia.gov/content/uploads/sites/4/2021/06/2-4-2021-Framework-for-the-State-Telehealth-Plan_Aproved.pdf</p> <p>At the direction of the Health Commissioner, the internal VDH Telehealth Plan Workgroup has begun preparations to create the Telehealth Advisory Workgroup.</p>	

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	<p>HB 661 - Direct the Secretaries of Health and Human Resources and Public Safety to establish a work group to develop a plan to improve the Commonwealth's response to <u>exposure-prone incidents</u> involving law-enforcement officers, firefighters, and emergency medical services providers</p> <p>Bit.ly/PSExposureControlPrevention</p> <p>Public Safety Control and Prevention Website established to improve Commonwealth's response to exposure-prone incidents involving public safety personnel and to unify exposure control and prevention plans, guidance and resources.</p> <p>Web site includes:</p> <ul style="list-style-type: none"> *Information and resources for exposure control and prevention *An Exposure Determination Tool to help public safety determine if they were exposed to an infectious disease while on the job. *Guidance for developing Exposure Control Plans *Information on Designated Infection Control Officer (DICO) training *Information about vaccines and recommendations for public safety personnel <p>HB 664 -Exposure to a decedent's body fluids; testing. Provides that, in cases in which any law-enforcement officer, salaried or volunteer firefighter, or salaried or volunteer EMS provider is directly exposed to body fluids of a deceased person in a manner that may, according to the then current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the next of kin of the deceased person shall be deemed to have consented to testing of the decedent's blood for infection with human immunodeficiency virus or hepatitis B or C viruses and release of such test results to the person who was exposed. Under current law, whenever a law-enforcement officer, salaried or volunteer firefighter, or salaried or volunteer EMS provider is directly exposed to body fluids of a deceased person in a manner that may, according to the then current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, consent for testing and release of the results must be obtained from the next of kin of the deceased person before testing may be initiated. Work is ongoing concerning the provisions of this bill.</p> <p>HB 727 – PSAP dispatchers; telecommunicator cardiopulmonary resuscitation; Emergency Medical Dispatch education program. Amends the Code of Virginia by adding a section numbered 56-484.16:1,</p>	

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	<p>relating to E-911 dispatchers; <u>training in telecommunicator cardiopulmonary resuscitation and emergency medical dispatch</u></p> <p>On April 10, 2020, Governor Northam signed HB727 into law which requires all Public Safety Answering Points (PSAP's) to implement TCPR by <u>January 1, 2022</u>. This requirement is located in the Code of Virginia § 56-484.16:1, and also requires OEMS to adopt standards for training and equipment required for the provision of TCPR by July 1, 2021.</p> <p>TCPR Training Standards. TCPR training programs shall ensure the delivery of high-quality cardiopulmonary resuscitation instruction for acute events requiring cardiopulmonary resuscitation by trained dispatchers. The Office of EMS created the following training standards for any TCPR class utilized to meet the requirements set forth by the Code of Virginia §56.484.16:1.</p> <p>PSAPs are required to maintain CPR certification for all dispatchers that include, at a minimum, the following elements: Adult CPR, Child CPR, Infant CPR, AED utilization</p> <p>PSAPs are also required to provide initial TCPR training for all dispatchers that teaches, at a minimum, the following objectives:</p> <ol style="list-style-type: none"> a. Overview of Telecommunicator CPR b. Recognition protocols for Out-of-Hospital Cardiac Arrest (OHCA) c. Steps in performing a consciousness assessment d. Steps in performing a breathing assessment e. Recognition of ineffective or agonal breathing f. How to deliver effective cardiopulmonary resuscitation instructions for callers <p>PSAPs that implement and maintain EMD protocols and training by OEMS recognized emergency dispatch training organizations or emergency communications center agencies that meets or exceeds OEMS standards referenced in the previous paragraph will be considered to have met this training requirement.</p> <p>OEMS has published these training standards on our website, which can be found at the following here: https://www.vdh.virginia.gov/emergency-medical-services/telecommunicator-cpr-tcpr-implementation/</p>	

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VII. VFSC Legislative Booklet	<p>The Virginia Fire Service Council (VFSC) met on September 30, 2021 at the Chesterfield Fire Training Academy to discuss predominant legislative issues for the upcoming General Assembly session in January 2022.</p> <p>The four agreed upon legislative issues, sponsoring organizations, and responsible individuals identified are as follows:</p> <ol style="list-style-type: none"> 1) Virginia Retirement System (VRS) enhanced benefits for 9-1-1 dispatchers with local option; VFCA, Chief Keith Johnson. 2) Expansion of cancer presumption (beyond 5 years); VPFF, Erin Rice. 3) Returning funding stream of Line of Duty Act (LODA) back to the Commonwealth of Virginia; VPFF, Erin Rice. 4) Advocate for dedicated emergency manager for each locality provided there is a dedicated funding stream from the Commonwealth of Virginia; VEMS, Jess Robison. <p>Other potential items of interest/awareness/concern were discussed.</p> <ol style="list-style-type: none"> 1) Distribute a portion of COVID funds to support fire/EMS. 2) Oppose any dilution/reduction of penalties related to assault and battery statues 3) Continue to ensure no negative impact on Fire Programs Funds 4) Marcus Alert-data base mandate with no funding, needs more research with other agencies 5) Attention to need for a dedicated source of funding from COV to support fire/EMS 6) Use of COVID funds to support EMS centric grant needs 7) Public safety and agritourism 8) On demand mobile fueling 9) In-building communications coverage 10) School safety and barricade devices 11) Reactive or exploding target enforcement 12) Fireworks 	
VIII. Unfinished Business	None.	
IX. New Business	Mr. Winston reported that Mr. Rich Orndorff representing VML on the committee was not reappointed to the state EMS Advisory Board by the Governor. After a review of Committee Interest forms submitted by new members appointed to the EMS Advisory Board it was determined that Mr. Bryan Rush, representing VML expressed interest in serving on the committee. A motion was made by Michael Player and seconded by Beth Adams to grant membership on the committee to Mr. Rush.	The L&P Committee unanimously voted to appoint Mr. Bryan Rush as the VML representative.

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	<p>Mr. Samuels pointed out that the committee no longer has a vice chair. Mr. Samuels asked the committee if anyone had an interest in serving. Ms. Beth Adams indicated she would be willing to serve. The committee voted unanimously for Ms. Adams to serve as Vice Chair on the committee.</p> <p>Mr. Ed Rhodes reported several legislative initiatives are being worked on for the 2022 session of the Virginia General Assembly. The Code Commission is considering removing language in 51.1-124.1 in order to establish the Virginia Retirement System (VRS) as an independent agency.</p> <p>Mr. Rhodes reported that 39 states have language in statute that identify EMS as an essential service. Because EMS is not considered an essential service it makes it more difficult to receive CARES money, grant funding opportunities and other COVID related funding.</p> <p>Section 15.2-955 addressed the powers of Cities, Counties and Towns. This section requires rescue organizations to receive approval by resolution from the local governing body on or after July 1, 1984 prior to beginning operations. A proposed amendment to this section of the code will state that localities shall seek to ensure “essential” EMS services are maintained throughout the entire locality.</p> <p>Dr. Jake O’Shea shared information from CMS concerning vaccination requirements. https://www.federalregister.gov/documents/2021/11/05/2021-23831/medicare-and-medicaid-programs-omnibus-covid-19-health-care-staff-vaccination A number of questions are being raised by EMS agencies concerning updated federal requirements concerning vaccinations. Do EMS agencies fall under interfacility, contract services? Does the definition of facility include the requirement to be vaccinated? Do CMS requirements mandate hospitals to require EMS agencies bringing patients to the hospital to be vaccinated?</p>	<p>The L&P Committee unanimously voted to appoint Beth Adams as Vice Chair.</p>
VIII. Public Comment	Chair Gary Samuels asked if there was any public comment, and there was none.	
XI. Adjourn	<p>Chair Gary Samuels made a motion to adjourn at 10:23 am. The committee approved.</p> <p>The next meeting of the L&P Committee will be on Friday, February 4, 2022 at 8:30 AM at the Embassy Suites Hotel in Richmond, VA.</p>	<p>Chair Gary Samuels made a motion to adjourn at 10:23 am. The committee approved the motion.</p>