**Legislation and Planning Committee**

**Embassy Suites Hotel**

**Richmond, VA**

**November 18, 2022**

**8:30 a.m.**

| **Members Present:** | **Members Absent:** | **OEMS Staff:** | **Others:** |
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| **Gary Samuels (Chair)** | **Gary Dalton (Excused)** | **Scott Winston** | **Stephen Simon** |
| **Beth Adams (Vice Chair)** |  | **Chris Vernovia** | **Eddie Ferguson** |
| **Steve Higgins (VAA)** |  | **Gary Brown** | **Brian Frankel (VFCA)** |
| **Jake O’Shea (VHHA)** |  | **Mohamed Abbamin** | **Dreama Chandler (VAVRS)** |
| **Ed Rhodes (At-Large)** |  | **Daniel Linkins** | **David Long (Leg. & Planning, VEMA)** |
| **Jeff Meyer (VAGEMSA)** |  | **Michael Berg** | **Steven Pincus (PEMS)** |
| **Bryan Rush (VML)** |  | **Greg Woods** | **Kim Craig (VAVRS)** |
| **Michael Player (VFCA)** |  |  |  |
| **Byron Andrews (VFFA)** |  |  |  |
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| **Topic/Subject** | **Discussion** | **Recommendations, Action/Follow-up; Responsible Person** |
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| **I. Welcome and Introductions** | Chair Gary Samuels called the meeting to order at 8:30 AM. | **Ed Rhodes motioned to accept proposed agenda for today’s meeting. Steve Higgins seconded. Committee unanimously approved proposed agenda.** |
| **II. Review and Approval of August 5 and September 23, 2022 meeting minutes** | OEMS received from County Court Reporters, Inc. and distributed the transcript of the August 5, 2022 meeting of the Legislative and Planning Committee. On page 31, line 2 comments attributed to Bryan Rush were actually made by Gary Brown.  The minutes from the September 23, 2022 meeting were reviewed by the Legislative and Planning Committee members. | **Beth Adams motioned to accept draft minutes (transcript) as amended from August 5, 2022 meeting of the L&P Committee. Seconded by Ed Rhodes. Committee unanimously approved August 5 meeting minutes. Bryan Rush motioned and Mike Player seconded to approve the minutes from the September 23, 2022 L&P Committee meeting. The Committee unanimously approved the meeting minutes.** |
| **III. OEMS Update – Quarterly Report to EMS Advisory Board (OEMS Staff)** | Mr. Scott Winston provided the committee members an update on the following topics:  Meeting dates for 2023 state EMS Advisory Board: Feb. 3, May 5, August 4 and November 17.  Livestream. OEMS is going to be exploring the opportunity to livestream some of the committee meetings and EMS Advisory Board meeting. Attendance at meetings has increased and meeting space is getting tight.  Website update. OEMS will be seeking professional help to organize and streamline our website to make it a little easier to find information on our webpage.  Hybrid Regional EMS Offices. Mr. Greg Woods was recognized by Mr. Winston as the newest OEMS employee. Greg is the Regional Office Director of the Southwest Virginia EMS Office in Bristol, VA.  Mr. Daniel Linkins, Regional Office Director from Central Shenandoah EMS provided a brief update on office operations. Mr. Linkins mentions a Central Virginia EMS Expo is being planned for March 2023. Mr. Tom Dick is a paramedic, caregiver, and advocate for patients and EMS providers, has over 40 years of experience in EMS.  Mr. Greg Woods, Regional Office Director from Southwest Virginia EMS provided a brief update on office operations. Regional CE programs are being planned, work continues on Paul Coverdale Stroke Grants to improve stroke care in SW Virginia, addressing increased turn-around times in hospitals within the region and diversion of patients.  Excellence in EMS. Mr. Winston recognized Gary Samuels as the recipient of the highest EMS award in the Commonwealth at the Awards Banquet held on Saturday, November 12 at the EMS Symposium in Norfolk.  EMS Funding Needs Assessment will be conducted by the VCU Performance Management Group. The assessment will be conducted before the end of this year and information and data from the assessment will be reviewed in order to determine how much increase in funding for EMS is needed. |  |
| **IV. State EMS Plan** | 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/>  The Committee held a special called meeting on Friday, Sept. 23 at OEMS to review comments received on the draft state EMS Plan. There was some discussion about additional comments provided by Emergency Operations. The final edited draft (2023-2025) of the state EMS Plan was approved at this meeting and has been distributed to the state EMS Advisory Board as part of the quarterly report to be voted on at their November 18 meeting. | **State EMS Plan (2023-2025) is an action items from the Legislative and Planning Committee at today’s state EMS Advisory Board meeting.** |
| **V. EMS Regulations** | Final draft of Chapter 32 of the EMS Regulations was reviewed by the Rules and Regulations Committee at their October 5 meeting. The committee is scheduled to meet on January 4, 2023 to approve the final version of the EMS Regulations (12VAC5-32). Once the document is approved by the Rules and Regulations Committee it can be shared but not edited by the EMS community and general public. Chapter 32 will then become an action item at the May 2023 state EMS Advisory Board. If approved in May by the EMS Advisory Board it will be presented to the Board of Health at their September 2023 meeting.  The Board of Pharmacy has established an email for use by EMS agencies when submitting questions related to controlled substance registration (CSR) certificates. | **Board of Pharmacy email address to ask questions about controlled substance registration certificates. Pharmbd@dhp.virginia.gov.** |
| **VI. 2023 Legislative Agenda** | EMS as an Essential Service. Talking points have been updated and distributed to committee members. Ed Rhodes reported he has approached Senator Edwards and Delegate Fowler about carrying a bill to recognize EMS as an essential service. Discussion has been held about whether amendments should be made to 15.2 (Cities, Counties and Towns) or 32.1 (Health/EMS) section of the Code. Questions about the bill have been posed by VACO (Katie Boyle) and all are addressed in the talking points.  Gary Samuels reported that the Virginia Fire Services Council (VFSC) has included EMS as an Essential Service as one of their five initiatives on their legislative agenda for 2023, as well as requesting an increase in funding for EMS. There was also reference to elevating the Office of EMS to a Department in the VFSC legislative booklet.  Michael Berg shared a situation that due to changes in membership on the Financial Assistance Review Committee (FARC) due to resignations related to illnesses, etc. the potential exists for three and potentially four seats on the FARC could change. With sch a large number of seats changing at once, there is concern about maintaining continuity on the committee. A small workgroup has been formed to look at the situation and determine if a Code language change is necessary to avoid situations like this from occurring in the future.  Beth Adams had questions about how FARC is referenced in the Code concerning membership and responsibility. She wanted to know if there were any other committees of the state EMS Advisory Board specially referenced in the Code. The only other reference in Code to committees of the state EMS Advisory Board has to do with Trauma.  Mr. Rhodes mentioned there has been some discussion about introducing a budget amendment to increase funding for EMS. There has not been an increase in funding through the “four for life” revenue in over 20 years. However, before any decision about increased funding for EMS can be made, there needs to be a comprehensive financial needs assessment completed. The Office of EMS has worked with the VCU Performance Management Group in the past and it was suggested to approach this group to complete an assessment of the resource and financial needs of the EMS system to help support budget amendment language requesting an increase in funding for EMS. The committee members discussed if these funds would be earmarked for specific uses. An across-the-board increase using the current percentages in Code applied to the DMV motor vehicle registration fees would likely occur.  The committee discussed a bill (HB 1447) that has been requested by VHHA to amend 54.1-3408 to specify paramedics certified by the Board of Health engaged or employed by a medical facility are authorized to administer medications and devices and who act pursuant to a written or oral order or standing protocol.  Hospital attorneys have interpreted the Code many ways and there are some that feel there is no language in the Professional use by Practitioners section of the Code (54.1-3408.B.2) that authorizes EMS and other allied health care providers to work in medical facilities.  Dr. Jake O’Shea indicated he was familiar with the intent behind the bill requested by VHHA and he provided the committee with some additional background information. Because of this there is the concern that paramedics cannot operate at the top of their certification level while in the hospital or medical facility, to include administration of controlled substances and other medications. Over the years there has been a variety of interpretations based on whether EMS personnel are certified versus licensed, what do existing laws in Code allow, who can and cannot supervise individuals within the hospital, and the interaction between nurses and EMS providers.  There was also recognition if HB 1447 is passed, it would create opportunities and allow more EMS providers to work within the hospital or medical facility setting.  One of the committee members asked if it would be helpful to seek an opinion from the OAG. However, it was noted that at the present time, OEMS is without an attorney from the OAG that can provide reference and guidance concerning this and other legal matters. It was again noted that 54.1-3408(B)(2) includes “persons trained to administer drugs and devices to patients” in facilities licensed as hospitals by the Board of Health who administer drugs under the control and supervision of the prescriber or a pharmacist. It will be important to determine how “persons” is defined in this section of Code. |  |
| **VII. Unfinished Business** | There is no unfinished business. |  |
| **VIII. New Business** | There is no new business |  |
| **IX. Public Comment** | Chair Gary Samuels asked if there was any public comment, and there was none. |  |
| **X. Next Meeting** | The next meeting will be on Friday, February 3, 2023 at 8:30 AM at the Embassy Suites Hotel in Richmond, VA. This meeting will be followed by meetings on May 5, August 4, and November 17 tentatively. |  |
| **XI. Adjourn** | A motion was made and seconded to adjourn the meeting. The committee approved. Chair Gary Samuels adjourned the meeting at 9:30 am. | **Chair Gary Samuels adjourned the meeting at 9:30 am.** |