

**Legislation and Planning Committee
Embassy Suites Hotel
Richmond, VA
February 2, 2024
8:30 a.m.**

Members Present:	Members Absent:	OEMS Staff:	Others:
Gary Samuels (Chair, VPPF)	Steve Higgins (VAA)	Scott Winston	RJ Reynolds (City of Chesapeake FD)
Beth Adams (Vice Chair, NVEMS Council)	VHHA Membership-Vacant	Michael Berg	David Long (TEMS, Leg. & Planning, VEMA)
Jeff Meyer (VAGEMSA)		Ron Passmore	John Craig (SARS/VAVRS)
Byron Andrews (VSFA)			Kim Craig (VAVRS)
Ed Rhodes (At-Large)			Frank Gresh (Fitch & Assoc.)
Gary Dalton (VAVRS)			Todd Sheridon (Fitch & Assoc.)
Bryan Rush (VML)			
Michael Player (VFCA)			

Topic/Subject	Discussion	Recommendations, Action/Follow-up; Responsible Person
I. Welcome and Introductions	Chair Gary Samuels called the meeting to order at 8:30 AM.	Michael Player motioned to accept proposed agenda for today's meeting. Ed Rhodes seconded. Committee unanimously approved proposed agenda.
II. Review and Approval of Nov. 17, 2023 meeting minutes	OEMS received from County Court Reporters, Inc. and distributed the transcript of the Nov. 17, 2023 meeting of the Legislative and Planning Committee. The minutes from the Nov. 17, 2023 meeting were reviewed by the Legislative and Planning Committee members.	Ed Rhodes motioned to accept draft minutes from Nov. 17, 2023 meeting of the L&P Committee. Seconded by Beth Adams. Committee unanimously approved Nov. 17, 2023 meeting minutes.
III. OEMS Update – (OEMS Staff)	Mr. Scott Winston announced the quarterly report to the state EMS Advisory Board has been posted on the OEMS Website. The quarterly report for the Nov. 17, 2023 EMS Advisory Board meeting will not be	

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	<p>released. Mr. Winston reported a personnel change at the Office of EMS. Ms. Tristen Graves Franklin, Public Relations Coordinator has been reassigned to the Office of the Chief Medical Examiner (OCME) within VDH. Other personnel changes are pending and will be announced later. Representatives from Fitch & Associates have begun work on an interim basis with the Office of EMS. Consultants from Fitch & Associates will be providing interim leadership and management services to the Office of EMS and examining the structure and function of the Office. Mr. Winston introduced Mr. Todd Sheridan and Mr. Frank Gresh from Fitch & Associates to the committee members and guests. Mr. Sheridan and Mr. Gresh provided a brief overview of the work to be performed by Fitch & Associates.</p> <p>Mr. Winston acknowledged there has been a lot of conversation about the need to improve communication with the EMS system about what is happening relative to programs and services due to the budget shortfall. OEMS is currently undergoing an internal audit by VDH, an external criminal investigation conducted by the Virginia State Police, Office of the State Inspector General, FBI, US District Attorney, and others due to potential financial irregularities, and a JLARC study of VDH and OEMS. Because there is an external investigation, it has delayed the release of information related to the budget deficit facing OEMS entering FY24 (July 1, 2023).</p> <p>Commissioner Karen Shelton presented information before the House Appropriations Committee on Friday, January 26 and the Senate Finance Committee on Thursday, February 1. Her testimony provided an overview of what has transpired at the Office of EMS related to a history of moving funds amongst accounts to cover shortfalls, services being provided without appropriate funding, overspending of contracts, and little to no VDH oversight. Commissioner Shelton asked for support of the Governor’s proposed budget to exclude the transfer of \$12.5M in FY24 and FY25 by OEMS to the General Fund. It was also noted that Governor Youngkin authorized approximately \$8.1M in one-time carryover funds to enable OEMS to make overdue payments in the short-term to include Return to Locality and regional EMS Council payments. It was also reported that OEMS now faces over \$33M in unpaid bills to the Commonwealth’s EMS community and contractual commitments over and above available DMV motor vehicle registration fee collections. In the last two months, OEMS has made over \$5.4M in payments in localities, and \$3.8M in payments to regional EMS Councils.</p> <p>Mr. Winston reported that Christopher Lindsay, COO will be attending today’s state EMS Advisory Board meeting to provide an update on the current financial situation of OEMS, provide an explanation of the funding sources for OEMS. Representatives from Fitch & Associates will discuss the beginning stages of a plan to move forward in the Office of EMS.</p>	

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<p>IV. State EMS Plan</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> <p>The final edited draft (2023-2025) of the state EMS Plan was approved by the state EMS Advisory Board meeting on November 18, 2022. The state EMS Plan was scheduled to be placed on the agenda for the September 14, 2023 Board of Health meeting but was withdrawn due to scheduling conflicts and more pressing business of the Board.</p> <p>February 14, 2024 is the next deadline in order to get the state EMS Plan on the agenda for the April 10, 2024 meeting of the Board of Health.</p>	
<p>V. EMS Regulations Update</p>	<p>Final proposed draft of Chapter 32 (12VAC5-32) of the EMS Regulations was approved by the Rules and Regulations Committee at their January 4, 2023, meeting. The draft document can be shared but not edited by the EMS community and the public. Chapter 32 was approved by the state EMS Advisory Board at their May 5, 2023 meeting. The EMS Regulations are tentatively scheduled to be presented to the Board of Health at their June 2024 meeting.</p> <p>Once the draft EMS Regulations are approved by the BoH, the regulations will officially enter Stage Two of the regulatory process and begin the Executive Branch review. Upon review by the Executive Branch agencies (Office of Attorney General, Department of Planning and Budget, Secretary of Health and Human Resources, Governor, and Office of Regulatory Management), the draft regulations will be published in the Virginia Register of Regulations and the Virginia Regulatory Town Hall, and a public comment period will be open for 30 days. Fifteen days after the close of the public comment period, the regulations will become effective.</p> <p>Periodic review of Chapter 66 (12VAC5-66) of the DDNR Regulations have been delayed. Chapter 66 was on the agenda for the June 2023 Board of Health meeting. The DDNR regulations were pulled the day before the Board meeting because it did not have an official or informal approval from the Office of the Attorney General (OAG). It is our hope to get these regulations before the BoH at their April 10, 2024 meeting.</p> <p>OEMS holds monthly meetings with our OAG representative (Adam Hade) on the third Wednesday of every month. OEMS staff are encouraged to schedule time with Adam to discuss legal matters related to OEMS programs and services.</p>	

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<p>VI. 2024 Legislative Bills</p>	<p>Mr. Scott Winston and Ed Rhodes provided a summary of legislative actions that have occurred during the first three weeks of the 2024 session of the Virginia General Assembly.</p> <p>HB 492. Fire and EMS apparatus and equipment; procurement. Directs the Department of Fire Programs, the Department of Health's Office of Emergency Medical Services, and the Department of General Services to establish a work group to prepare statewide contract language for the procurement of fire and emergency medical services apparatuses and equipment.</p> <ul style="list-style-type: none"> • 02/01/24 House: Continued to 2025 in Rules by voice vote <hr/> <p>HB 494. Virginia Fire and EMS Safety Loan Fund. Creates the Virginia Fire and EMS Safety Loan Fund, to be administered by the Virginia Resources Authority. Under the bill, money in the Fund would be used exclusively for the financing of purchases by local fire and EMS services of at least \$50,000 (i) for capital projects to construct or modernize facilities that house firefighting equipment or vehicles or ambulance or rescue vehicles; (ii) of firefighting apparatus, ambulances, or rescue vehicles; and (iii) of protective, accessory, or communication equipment for firefighting or EMS services.</p> <ul style="list-style-type: none"> • 01/18/24 House: Assigned App. sub: Transportation & Public Safety • 01/31/24 House: Subcommittee recommends laying on the table (7-Y 1-N) <hr/> <p>HB 1049. Firefighter and EMS Personnel; recruitment and professional development. Requires the Secretary of Public Safety and Homeland Security, in consultation with the Secretary of Health and Human Resources, to convene a work group to (i) study the recruitment and professional development of firefighters and emergency medical services personnel, (ii) make recommendations to ensure the uniformity of training for firefighters and emergency medical services personnel, and (iii) examine whether the state regulation of firefighters and emergency medical services personnel should be consolidated under a single secretariat and if a new secretariat should be created to oversee such regulation.</p> <ul style="list-style-type: none"> • 01/25/24 House: Assigned Rules sub: Studies Subcommittee • 01/29/24 House: Subcommittee recommends continuing to 2025 with amendment(s) by voice vote • 02/01/24 House: Continued to 2025 with amendment(s) in Rules by voice vote <hr/> <p>HB 1259, SB 594. EMS personnel; career fatigue and wellness program. Directs the Department of Health to convene a work group to study the viability of establishing or contracting for a professional program for emergency medical services personnel, both professional and</p>	

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	<p>volunteer, that addresses career fatigue and wellness, including the costs of such program and recommendations for funding.</p> <ul style="list-style-type: none"> • 01/10/24 House: Referred to Committee on Rules • 01/25/24 House: Assigned Rules sub: Studies Subcommittee • 01/29/24 House: Subcommittee recommends continuing to 2025 by voice vote • 02/01/24 House: Continued to 2025 in Rules by voice vote <hr/> <p>HB 1309. State Emergency Medical Services Advisory Board; guidelines for the provision of emergency treatment of fire, police, and search and rescue dogs. Requires the State Emergency Medical Services Advisory Board, in consultation with the State Veterinarian, to develop guidelines and guidance for the provision of emergency treatment of fire, police, and search and rescue dogs injured in the line of duty and the transportation of such dogs by an emergency medical services vehicle to a veterinary care facility equipped to provide emergency treatment to such dog.</p> <ul style="list-style-type: none"> • 01/10/24 House: Referred to Committee on Public Safety • 01/22/24 House: Assigned PS sub: Public Safety • 02/01/24 House: Subcommittee recommends reporting with amendments (6-Y 0-N) • 02/02/24 House: Reported from Public Safety with amendment(s) (22-Y 0-N) • 02/06/24 House: Read first time <hr/> <p>Mr. Ed Rhodes mentioned a budget amendment submitted by Senator Todd Pillion related to increased funding for Naloxone. The budget amendment is requesting an additional \$8M from the Commonwealth Opioid Abatement and Remediation fund to administer the Program. Key objectives of the Program shall be: i) providing a long-term, sustainable supply of opioid overdose reversal agent to help combat Virginia's opioid epidemic; ii) providing pricing stability and increase access for this critical life-saving medication; and iii) leveraging, when possible, existing federal and state investments building the advanced pharmaceutical development and manufacturing CAMPUS in Petersburg.</p>	
VII. Unfinished Business	<p>There is no unfinished business.</p> <p>Note. At the August 4, 2023 meeting of the Legislative and Planning Committee, a work group of subject matter experts was formed to help the Medical Direction Committee and their nomenclature workgroups. Jeff Meyer, David Long, James Reynolds, Ed Rhodes, and Beth Adams offered to assist the Medical Direction Committee with the work of their groups looking to clarify the role of EMS Physicians, Physician</p>	

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	<p>Assistants, Nurse Practitioners and their involvement with EMS agencies and its impact on the EMS Regulations.</p> <p>Debbie Akers, Accreditation, Certification and Education Division Manager at OEMS will be reaching out to these folks to set up some meeting times to meet in the first quarter of 2024.</p>	
IX. New Business	<p>Mr. Bryan Rush asked if there have been any updates on the medication kit exchange process with the hospitals. Mr. Passmore reported the DEA Regulations (Protecting Patient Access to Emergency Medications Act) of 2017 proposed rules were published, and public comment was received in 2020. Since that time, there has been nothing from the DEA. Recently there has been discussion about a “track and trace” rule from the FDA (Drug Supply Chain Security Act) that has some hospitals concerned about exchanging medications with EMS agencies. This concern is expressed by the Virginia Society of Health System Pharmacists and there seems to be momentum from the healthcare systems to get out of the medication kit exchange program. Some hospitals have announced sundown dates when they will discontinue exchanging medication kits with EMS agencies.</p> <p>OEMS continues to work with BoP and the Regional Medication Kit Transition Work Group to develop a toolbox to help EMS agencies through the transition. OEMS regularly presents information to Regional EMS Council BoD meetings and at every Medical Director workshop.</p> <p>Several members of the committee expressed concern that this change may place undue financial pressure on rural EMS agencies. The regional system of care, patient care protocols, and scope of practice may vary because not every EMS agency will have the same capabilities or carry the same medications.</p> <p>A request was made to put a placeholder on the Legislative and Planning Committee meeting agenda for an update on the medication kit exchange program and the status of the DEA and FDA Regulations.</p>	<p>Include an update on the medication kit exchange program and status of DEA and FDA Regulations on the agenda for upcoming L&P Committee Meeting agendas.</p>
X. Public Comment	<p>There was no public comment.</p>	
XI. Next Meeting	<p>The next meeting will be on Friday, May 3, 2024, at 8:30 AM at the Embassy Suites Hotel in Richmond, VA.</p>	

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XII. Adjourn	A motion was made and seconded to adjourn the meeting. The committee approved. Chair Gary Samuels adjourned the meeting at 9:28 am.	Chair Gary Samuels adjourned the meeting at 9:28 am.

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