



Virginia
Regulatory
Town Hall

Notice of Intended Regulatory Action Agency Background Document

Agency Name:	Department of Health
VAC Chapter Number:	12VAC5-60
Regulation Title:	Repeal of Virginia Emergency Medical Services Plan
Action Title:	Repeal of State EMS Plan
Date:	May 22, 2003

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

Purpose

Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.

The purpose of the intended regulatory action is to repeal the Statewide EMS Plan (12 VAC 5-60) from the Virginia Administrative Code, allowing for more timely reviews/revisions as medical advancements and new system needs are identified. It is essential for the plan to be dynamic and be modified in a timely manner to address changes in funding, staffing, national events and system developments.

Basis

Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.

The following Virginia law authorizes the State Board of Health to adopt regulations addressing the provision of emergency medical services in Virginia:

Section 32.1-111.3 of the Code of Virginia directs that the Board of Health "shall develop a comprehensive, coordinated, emergency medical care system in the Commonwealth and prepare a Statewide Emergency Medical Services Plan . . ."

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+32.1-111.3>

Substance

Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.

This proposed action would repeal 12 VAC 5-60 (Virginia EMS Plan). The plan allows the State Board of Health, with input from the EMS Advisory Board, to management changes in the Virginia EMS system by identifying trends and issues. Is does not contain regulatory provisions.

The agency has determined that an effective plan that addresses identified system needs requires constant review and revision. By repealing the plan and implementing a guidance document (clearly more appropriate) to occupy this area of governance, the State Board of Health could affect changes immediately to events and circumstances previously unidentified. This would enable the health, safety and welfare of citizens to be better protected.

There are no known potential issues regarding this action.

Alternatives

Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.

Repeal of 12 VAC 5-60 removes the State EMS Plan form the Virginia Administrative Code so that its provisions can be amended and updated in a timely and economic fashion. The only identified alternative to this action is to retain it as an out-of-date regulation.

Family Impact Statement

Please provide a preliminary analysis of the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen

or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

Developing a comprehensive, coordinated statewide emergency medical services system plan is essential to reducing death and disability resulting from sudden or serious injury and illness in the Commonwealth.