

**Legislative and Planning (L&P) Committee Meeting
 Courtyard by Marriott
 Friday, May 6, 2016
 9:00 A.M.**

Members Present:	Members Absent:	OEMS Staff:	Others:
Rob Logan, Vice-Chair	Joan Foster, Chair (excused)	Gary Brown	Gina Jacobs
Ed Rhodes	Mark Stroud	Michael Berg	Jeff Michael
Eddie Ferguson	Michael Player (excused)	Scott Winston	Bruce Edwards
Gary Samuels	Byron Andrews	Tim Perkins	
Gary Dalton	Anita Perry (excused)	George Lindbeck, MD	

Topic/Subject	Discussion	Recommendations, Action/Follow-up; Responsible Person
OPENING	Vice Chair Rob Logan called the meeting to order at 9 AM. Mr. Logan served as chair for the meeting because the Chairwoman Joan Foster was not able to attend this meeting. The minutes from Friday, February 5, 2016 meeting were reviewed and unanimously approved.	Motion made by Ed Rhodes and seconded by Eddie Ferguson to approve the Feb. 5, 2016 meeting minutes. The Committee voted unanimously to approve the minutes.
OEMS UPDATE	<p>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://166.67.66.226/oems/Files_Page/Advisory_board/ABQuarterlyReport0516.pdf.</p> <p>Mr. Winston updated the committee members concerning a number of personnel changes at the Office of EMS. Cam Crittenden, Trauma Program Manager will begin work on Tuesday, May 10. Recruitment for the vacant Trauma Program Coordinator position resulted in 15 active applications. Recruitment for the vacant Medical Records Technician, Sr. position resulted in 102 active</p>	

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	<p>applications. Applications for these positions are being screened and interviews will be conducted during the month of May. Recruitment for the vacant Office Service Specialist position in the Criminal Background Unit resulted in 94 active applications. Interviews for this position will take place after the applications are screened. Mr. Winston reported that the OEMS Business Manager is retiring this summer and recruitment for a replacement is underway. Interviews for this position will be completed the week of May 16. The human resources specialist for OEMS has resigned to take a new position. Recruitment for this position has not begun.</p>	
<p>STATE EMS PLAN UPDATE</p>	<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. Perkins reported he has met with OEMS Division Managers and distributed a template to be used by the standing committees of the state EMS Advisory Board to suggest edits, additions or deletions to the key strategic initiatives in the state EMS Plan. Mr. Perkins requested input from Board committees by July 15, 2016. A public comment period will be conducted sometime in August/September. Committee input will be reviewed at the August L&P committee and a draft plan will be presented to the state EMS Advisory Board at their November 2016/February 2017 meeting. The Plan will then be presented to the Board of Health for their review and approval at their March 2017/June 2017 meeting. Members of the committee were again requested to review the Federal Interagency Committee on Emergency Medical Services (FICEMS) Strategic Plan and suggest core strategies and strategic initiatives that should be included in the state EMS Plan. Committee members suggested the use of footnotes in the state plan to reference federal initiatives included in the state plan. Committee members also suggested seeking input from the leadership of key associations and organizations with an interest in EMS; i.e. VHHA, VAGEMSA, VAVRS, VFCA, MSV, etc.</p>	<p> State EMS PlanFINAL.pdf</p> <p> State EMS plan strategic plan inform</p> <p> State EMS Advisory Board Committee Plan</p> <p> 811990-FICEMS_Strategic_Plan_march20</p>
<p>REGULATORY UPDATES</p>	<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>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</p>	

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	<p>be denied membership (affiliation with a licensed EMS agency) and EMS certification if certain criminal or enforcement history exists. The term “affiliation” was in the previous edition of the EMS Regulations and was inadvertently omitted from the current edition of the EMS Regulations. The packet has been reviewed and denied by the Governor’s Office. OEMS received word from a Policy Analyst in the Governor office that the Governor does not support this action because it is too restrictive and might potentially limit employment/volunteer opportunities for individuals convicted of certain crimes. Mr. Berg reported the general consensus is to wait for the next periodic review of the EMS Regulations when the climate may be more favorable for this change. 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>Chapter 66: Regulations Governing Durable Do Not Resuscitation Orders</u></p> <p>OEMS initiated a periodic review of the Regulations Governing DDNR Orders and submitted a fast track regulatory package. OEMS has been advised that licensed health care practitioners and staff at licensed medical facilities 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> <p>Individual organizations and associations have advocated for adding reference to specific other DNR orders in the DDNR regulations. Specifically, a request to add Physician Orders for Scope of Treatment (POST) to the DDNR regulations has been made.</p> <p>OEMS presented the proposed regulatory change to the Board of Health at their March 17, 2016 meeting to seek approval for adding POST to the definition of DDNR. The proposed regulatory change was approved by the Board after adding language to require the signature of the physician on the POST form.</p>	

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	<p><u>Chapter 31: Virginia Emergency Medical Services Regulations</u></p> <p>Mr. Berg announced the OEMS is required to conduct a periodic review of the EMS Regulations (12VAC5-31) every four (4) years and will initiate a periodic review of the Virginia EMS Regulations next year.</p> <p>In the June/July 2016 timeframe a notice of intended regulatory action (NOIRA) will be submitted to the Regulatory Townhall.</p> <p>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>2016 Virginia General Assembly Session</p>	<p><u>REPLICA (Recognition of EMS Personnel Licensure Interstate Compact)</u></p> <p>HB222 and SB233) to enact REPLICA in Virginia were both approved by the legislature and signed by the Governor. HB1007 was stricken from the docket of House Health, Welfare and Institutions at the request of Del. Mark Levin because it was identical to HB222.</p> <p>Delegate Orrock’s HB311 was approved by the legislature and signed by the Governor that directs the Secretary of Health and Human Resources to undertake efforts to establish collaborative agreements with other states, particularly those states that share a border with the Commonwealth, for the interstate recognition of certifications of EMS providers for the purpose of allowing EMS providers to enter into other states to provide emergency medical services. Delegate Orrock indicated this bill is an interim measure until REPLICA is ratified by 10 states. At the present time REPLICA has been enacted in CO, TX, UT, ID, KS, and VA. REPLICA has passed the legislature in TN and is awaiting signature by the Governor.</p> <p>Registration of vehicles owned or used by emergency medical services agencies. Requires, upon application, the issuance of permanent license plates for emergency medical services vehicles</p>	

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	<p>owned by or under the exclusive control of a commercial or privately owned emergency medical services agency.</p> <p>HB374 and SB91 were approved by the legislature and signed by the Governor. These bills allow commercial or privately owned EMS agencies to display Emergency Vehicle (EV) license plates. The commercial or privately owned EMS agencies will be responsible for licensing and registration fees, taxes, etc. in order to operate these vehicles in VA. When license plates currently issued to EMS vehicles owned by or under the exclusive control of a commercial or privately owned EMS agency expire, the new EV tags will be issued.</p> <p>SB 149 Local option health insurance plan; participation of regional emergency medical services councils. Authorizes regional emergency medical services councils to participate in the local option health insurance plan. Bill was referred to Committee on Finance and continued until 2017. According to the Department of Human Resource Management, passage of this bill would place The Local Choice Program (TLC) at risk of losing its Employee Retirement Income Security Act (ERISA) exemption because regional EMS councils are not currently recognized as political subdivisions. It was also determined that if regional councils were to be recognized as a political subdivision they would be subject to state procurement and auditing requirements, FIOA, etc.</p> <p>A statement was made that this bill caught the state completely off guard and it would have been nice to have some advance notice before the legislative session began. In the future OEMS should be briefed on these types of bills in order to ensure we are all working together. Mr. Rhodes agreed, and indicated SB 149 was requested by a single regional EMS Council and this legislation was not an initiative of the regional EMS Council Executive Directors group.</p> <p><u>Budget Amendment: Cot/Stretcher Retention System Funding</u></p> <p>Del. Ingram and Senator Hanger submitted identical budget amendments (Item 289#1h and Item 289#1s) to the Health and Human Services, Department of Health budget 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 from the Virginia Rescue Squad Assistance Fund (RSAF) have been approved for the purchase of</p>	

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	<p>ambulance stretcher retention systems by non-profit EMS agencies. The revenue for this budget amendment was supposed to come 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> <p>According to Mr. Rhodes, someone made some changes to the revenue source for these funds and no new money was allocated for this budget amendment. Mr. Rhodes indicated that Susan Massart, House Appropriations Committee, Health and Human Services, understood the funding was supposed to come out of the roughly \$3M in unappropriated excess from the EMS Fund. What this means is the \$840K each year will come out of existing money allocated to RSAF and will be considered an ear-mark, similar to the \$400K ear-marked each RSAF funding cycle for the purchase of 12-lead ECG devices.</p> <p>Mr. Gary Brown, OEMS Director suggested to the Committee that the system needs to take a look at the current language in the Budget Bill because conditions have been placed on the EMS Funds and operations over the years that should be re-examined to determine their continued relevance. Particularly, the statement that regional EMS Council service area boundaries cannot be changed needs to be examined for the betterment of the EMS system. In addition, funding for EMS is scattered across multiple sections (transfers, miscellaneous, etc.) of the budget bill.</p> <p><u>Line of Duty Death Benefits (HB1345)</u></p> <p>Line of Duty Act. Revises the Line of Duty Act (the Act) by codifying revisions to the Act from the appropriation act and, among other changes, transferring overall administration of the Act to the Virginia Retirement System (VRS), transferring administration of health insurance benefits under the Act to the Department of Human Resource Management (the Department), and creating separate health benefits plans for beneficiaries under the Act. The bill has a delayed effective date of July 1, 2017, except that a final enactment requiring each nonparticipating employer to pay its pro rata share of estimated implementation costs to the VRS and the Department becomes effective July 1, 2016.</p>	

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COMMITTEE COMPOSITION and MEMBERSHIP	Concern was expressed about the lack of regular attendance by several members of the committee. According to the EMS Advisory Board By-laws the Chair will note members with two (2) consecutive un-excused absences of regular meetings of such board, committee or subcommittee and notify the organization the individual represents, where applicable.	Mr. Winston will contact the committee members in question and request what their ability is to commit to regular participation on the committee. Those that are unable to regularly attend and participate in committee meetings will be requested to resign.
UNFINISHED BUSINESS	There is no unfinished business to bring before the committee.	
NEW BUSINESS	There is no new business to bring before the committee.	
PUBLIC COMMENT	There is no public comment.	
NEXT MEETING DATE	The next meeting of the committee will be held on Friday, August 5, 2016 at 9 AM at the Courtyard by Marriott North in Glen Allen, VA. The remaining meeting date for 2016 is Wednesday, November 9. All meetings begin at 9 AM and are held at the Courtyard by Marriott with the exception of the November 9 meeting which will be held at the Norfolk Waterside Marriott and begin at 10 AM.	
ADJOURNMENT	The meeting was adjourned at 10:30 AM.	