






Legislative and Planning (L&P) Committee Meeting
Elizabeth Boardroom, 4th Floor, Norfolk Marriott Waterside
Wednesday, November 9, 2016
10:00 A.M.

Members Present:	Members Absent:	OEMS Staff:	Others:
Rob Logan, Vice-Chair	Joan Foster, Chair	Gary Brown	David Hoback
Ed Rhodes	Michael Player (excused)	Scott Winston	Gary Critzer
Eddie Ferguson	Anita Perry (excused)	Michael Berg	Jason Ferguson
Gary Samuels			Carol Rhodes
Gary Dalton			Kim Craig
Byron Andrews			Karen Wagner
			Chris Parker

Topic/Subject	Discussion	Recommendations, Action/Follow-up; Responsible Person
WELCOME AND INTRODUCTIONS	Vice Chair Rob Logan called the meeting to order at 10 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, August 5, 2016 meeting were reviewed and unanimously approved at the September 29 meeting. The minutes from the September 29 special called meeting were reviewed and approved.	Motion made by Gary Dalton and seconded by Ed Rhodes to approve the Sept. 29, 2016 meeting minutes. The Committee voted unanimously to approve the minutes.
OEMS UPDATE	Mr. Scott Winston informed the committee members the OEMS quarterly report to the state EMS Advisory Board is posted on the OEMS website. The report may be viewed at http://166.67.66.226/oems/Files_Page/Advisory_board/ABQuarterlyReport1116.pdf	
STATE EMS PLAN	The current version of the state EMS Plan (2013 – 2016) was approved by the Board of Health on June 5, 2014 (see attachment). 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 presented an initial draft of the revised state EMS plan at the August 5 meeting (see attachment) and a summary of the changes that have been made to the state EMS Plan (2013 – 2016). The draft incorporated changes (highlighted in yellow) recommended by OEMS Division Managers and standing committees of the	 State EMS PlanFINAL.pdf

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	<p>state EMS Advisory Board (see attachment).</p> <p>The public comments received during the open comment period on the state EMS Plan that was held between August 23 and September 23, 2016 were circulated to committee members (see attachment). The committee elected to review the public comments line by line and made further revisions to the state EMS Plan where appropriate at the September 29 meeting.</p> <p>The committee was presented a revised final draft of the state EMS plan (2017 – 2019) prior to the Nov. 9 meeting (see attached). Ed Rhodes made a motion to approve the final draft of the state EMS plan. The motion was seconded by Eddie Ferguson. The motion was unanimously approved by the committee.</p> <p>The timeline going forward is to submit the plan to the state EMS Advisory Board at their meeting scheduled later today. If approved by the state EMS Advisory Board at the November 9 meeting, the plan will then be presented to the Board of Health for their review and consideration at their late February/early March 2017 meeting.</p>	 State EMS Plan.2016DRAFT.pdf  SummaryEMSPlanRevisions- 2016.docx  EMS Plan Public Comments 2016.pdf  2016StatePlanFinalDraft.docx Motion made by Ed Rhodes and seconded by Eddie Ferguson to approve the 2016 State Plan final draft. The committee unanimously approved to accept the plan.
REGULATORY UPDATE	<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</p>	

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	<p>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 Life Sustaining Treatment (POLST) 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 POLST 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 POLST form. The regulatory packet was forwarded to the Governor’s policy analyst for review and his recommendation to the Governor for further action.</p> <p>The public comment period for the change to the DDNR regulations has closed. Effective November 19, 2016, POLST will be specifically recognized as other DDNR. Mr. Berg announced the DDNR form will not change.</p> <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 early next year.</p> <p>The public comment period for the periodic review of the EMS Regulations ended on July 17, 2016. No comments were received through the formal public comment process. Mr. Berg indicated he received an email from a regulant about potential revisions to the EMS Regulations.</p> <p>A work session of the Rules and Regulations committee was held on September 28 at OEMS in Glen Allen, VA to continue work on revisions to the EMS Regulations. A draft of the proposed changes to the EMS Regulations will be submitted for review to the state EMS Advisory Board meeting at their November 9, 2016 meeting.</p>	

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	<p>A Notice of Intended Regulatory Action (NOIRA) will be submitted to the Commissioner on behalf of the Board of Health.</p> <p>Mr. Berg reported that the present thinking is to repeal Chapter 31 (12-VAC5-31) of the EMS Regulations and recommend adoption of a new Chapter 32 (12-VAC5-32). By writing a new chapter this action will allow an opportunity to clean up previously repealed sections of the EMS Regulations, make adjustments to the flow and sequencing of the EMS Regulations, and nullify all exemptions that were made under the old EMS Regulations (i.e. EMS vehicle staffing exemptions). In the future, Mr. Berg indicated he will recommend the use of exemptions for a specified period of time versus exemptions that are permanent.</p> <p><u>Anticipated Fire and EMS Legislation -2017 Virginia General Assembly</u> <u>Bills that were carried over from 2016 session</u></p> <p>HB 1104 - Murphy - Firefighters employed by localities; entitlement to continued compensation. Good chance of being re-introduced</p> <p>HB 1239 - Wright - Fire Programs Fund; increases rate of assessment for Fund. Part of Fire Council requests and will be re-introduced</p> <p>SB 35 - Carrico - Vehicle registration fees; funds allocated to Department of State Police. <i>Re-introduced as SB 805 (2017)</i></p> <p>SB 149 - Reeves - Health insurance plan, local option; participation of regional emergency medical services councils. Will <u>not</u> be re-introduced at request of Regional EMS Council Ex. Directors Group</p> <p>SB 523 - McPike - Line of Duty Act; includes firefighters and emergency medical services trainees in Act. <i>Unknown if it will be re-introduced, was amended to insure trainees were members of organization.</i></p> <p><u>Introduced Legislation (as of November 4, 2016)</u> HB 1398 – Bell – Hate Crimes against L/E, fire and EMS. <i>Amendment submitted to cover fire marshals with law enforcement authority</i></p>	

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	<p>HB 1416 – Hesel – Increases payment to LOD beneficiary from \$100,000 to \$125,000.</p> <p>HJ 544 – Lingamfelter – Study of worker’s compensation</p> <p>SB 790 – Cosgrove – Crimes against L/E, FF, SAR, and EMS</p> <p>SB 805 – Carrico – Reintroduction of SB 35 (2016) increasing vehicle registration fee by \$1.25 each year in different increments for 10 years with revenue going to VSP</p> <p><u>Legislation Still in Drafting Stage (as of November 4, 2016)</u></p> <p>\$4 for Life increase for areas of the Commonwealth that have a proven need – Proposal to add an additional \$.25 to \$4 for Life RSAF funds with the caveat that it be used in areas of the commonwealth with a proven need. This is part of the VA Fire Services Council (VFSC) request. This proposed legislation has no patron. Support is beginning to fall apart for requesting additional funding for EMS during the upcoming Session of the General Assembly. This item will be an action item for VAGEMSA at their meeting Thursday evening, November 10.</p> <p>The committee discussed how to define “underserved areas” in order to identify where additional funding for equipment, training and supplies is needed. Parameters and criteria need to be developed by FARC as well as identify areas where money is currently not being fully utilized. Monies that are not fully utilized should be re-appropriated to other areas of the state.</p> <p>“Underserved areas” should not be defined in Code. Guidelines that take into account economic stress factors should be developed as evaluation criteria for use by FARC when making decisions to award grants.</p> <p>Fire Programs Fund increase to 1.4% - HB 1239 from 2016 to increase the fund by .04% and change the distribution percentages from 75% RTL and 25% for admin to 80% and 20%. VFSC.</p> <p>Statewide Fire Prevention Code change is in limbo– Because of issues with the current process being used by the Department of Housing and Community Development, this bill would give the authority</p>	

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	<p><i>of promulgating fire prevention code to the Fire Services Board. Also part of VFSC request and VFCA/VFPA.</i></p> <p>SB / HB – Deeds / Hesel – Mental Health training – <i>from VPF</i></p> <p>SB - Stuart - Ambulance liens – change language in §8.01-66.2. <i>Will change language of a lien on a vehicle to an EMS agency. Coming from VA Trial Lawyers Association.</i></p> <p>HB / SB – Hesel / DeSteph - Mandatory EVOG training - VFCA</p> <p>HB – Lingamfelter – Changes to cancer presumption</p> <p>Reclaiming of Firefighter and Rescue Squad tags from former members</p> <p><u>Budget Amendments</u> Removal of language in the budget bill regarding \$400,000 to be used for RSAF grants to EMS agencies to purchase 12-lead ECG devices.</p> <p>EMSTF: Committee members had several questions about the special initiative to get more money into the field for training. OEMS has received funding requests from Education Coordinators to fund classes through the end of CY2016. These requests have been reviewed and grant recipients are being notified. There is agreement that the EMS system should be allowed to figure out how these funds should be utilized. The process does not need to be legislated.</p>	
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	The next regularly scheduled meeting of the committee will be held on Friday, February 3, 2016 at	

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DATE	9AM at the Richmond Marriott Short Pump, 4240 Dominion Boulevard, Glen Allen, Virginia 23060. Remaining meeting dates for 2017 are: May 5, August and November 8 at Norfolk Marriott Waterside.	
ADJOURNMENT	The meeting was adjourned at 10:50 AM.	

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