

**Legislation and Planning (L&P) Committee Meeting  
Courtyard by Marriott  
Friday, May 8, 2015  
9:00 A.M.**

| <b>Members Present:</b>      | <b>Members Absent:</b>              | <b>OEMS Staff:</b> | <b>Others:</b> |
|------------------------------|-------------------------------------|--------------------|----------------|
| <b>Rob Logan, Vice-Chair</b> | <b>Joan Foster, Chair (Excused)</b> | Gary Brown         | David Hoback   |
| <b>Ed Rhodes</b>             | <b>Anita Perry (Excused)</b>        | Michael Berg       | Jason Ferguson |
| <b>Eddie Ferguson</b>        | <b>Mark Stroud</b>                  | Tim Perkins        | Sam Dahl       |
| <b>Michael Player</b>        |                                     | Warren Short       | Chad Blosser   |
| <b>Gary Dalton</b>           |                                     |                    | Kelly Southard |
| <b>Byron Andrews</b>         |                                     |                    |                |
| <b>Gary Samuels</b>          |                                     |                    |                |
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| <b>Topic/Subject</b> | <b>Discussion</b>  | <b>Recommendations, Action/Follow-up; Responsible Person</b>   |
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| <b>OPENING</b>       | Vice-Chair Rob Logan called the meeting to order at 9 AM. The minutes from Friday, February 13, 2015 meeting were reviewed.  | <b>Motion made by Ed Rhodes and seconded by Michael Player to approve the February 13, 2015 meeting minutes. The Committee voted unanimously to approve the minutes.</b> |
| <b>OEMS UPDATE</b>   | Mr. Gary Brown 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: <a href="http://www.vdh.virginia.gov/OEMS/Files_Page/Advisory_board/ABQuarterlyReport022015.pdf">http://www.vdh.virginia.gov/OEMS/Files_Page/Advisory_board/ABQuarterlyReport022015.pdf</a> |  |

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| <b>STATE EMS PLAN UPDATE</b> | <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 that later during calendar year 2015 (November), the standing committees of the state EMS Advisory Board will be requested to begin reviewing the state EMS Plan and provide suggested updates and revisions. Further information will be forthcoming.</p>  |   |
| <b>REGULATORY UPDATES</b>    | <p><b>Financial Assistance for EMS Agencies</b></p> <p>Mr. Berg reported a fast track regulatory packet has been approved by the Office of the Attorney General (OAG), as well as the Department of Planning and Budgeting (DPB). (<a href="http://townhall.virginia.gov/L/viewstage.cfm?stageid=6969">http://townhall.virginia.gov/L/viewstage.cfm?stageid=6969</a>)</p> <p><b>EMS Personnel Requirements and Affiliation</b></p> <p>OEMS has 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 be denied membership (affiliation with a licensed EMS agency) and EMS certification if certain criminal or enforcement history exists. The packet is currently with the Governor’s Office for review and approval. (<a href="http://townhall.virginia.gov/L/viewstage.cfm?stageid=7067">http://townhall.virginia.gov/L/viewstage.cfm?stageid=7067</a>)</p> <p><b>Comprehensive EMS technical “clean-up” bill.</b></p> <p>HB 1584 (Delegate Chris Stolle) and SB 938 (Senator Richard Stuart) introduced bills during the 2015 session of the Virginia General Assembly to revise terminology related to fire and emergency medical services and reorganize provisions governing fire and emergency medical services in order to provide greater operational and legal clarity.</p> <p>Mr. Berg reported that this has been included in an exempt regulatory packet, which allows for updates to the definition of the term “Emergency Medical Services”. The terms “community paramedicine” and “mobile integrated healthcare” into the new definition.</p> |   |

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|  | <p><b>Fingerprint based Criminal Background Checks</b></p> <p>Two bills have been introduced in the Senate to amend §32.1-111.5 of the <i>Code of Virginia</i>, relating to EMS personnel; background checks. SB 837 (Sen. Puller) and SB997 (Sen. Stuart) have been combined that will allow localities that have an ordinance to conduct fingerprint based criminal background checks to report an applicant’s eligibility for employment or to serve as a volunteer with an EMS agency to the Office of EMS. Localities that are currently conducting their own criminal background checks will no longer be required to submit an applicant’s fingerprints and personal descriptive information to OEMS for submission through the Central Criminal Records Exchange (CCRE) of the Virginia State Police (VSP) to the FBI. Localities that are conducting their own criminal background checks wish to apply additional exclusionary criteria for membership or employment and these determinations cannot be made unless they are able to receive the results of the state and national records search.</p> <p>Mr. Berg reported that approved changes go into effect on July 1, 2015. OEMS is currently in the process of developing an online process for localities to notify OEMS with background checks are being conducted.</p> |   |
| <p><b>2015 Virginia General Assembly Session</b></p> | <p><b>Comprehensive EMS technical “clean-up” bill.</b></p> <p>Mr. Rhodes reported that some additional minor tweaks may be required for this bill, but most will occur related to language that is related to the fire service, and not EMS.</p> <p><b>SB 845 – Immunity Driving Bill</b></p> <p>Bill gives volunteer providers the same immunity as career personnel have when driving Emergency Vehicles from civil liability unless gross negligence can be shown. Mr. Rhodes expressed concern about the wording of a letter that the VAVRS wrote to the Governor which requested that Emergency Vehicle Operator Course (EVOC) be added to the bill language. Currently, there is no driving requirement for fire services personnel in Virginia.</p> <p><b>SB1186 – Naloxone (Narcan) Regulations</b></p>  |   |

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|               | <p>Bill requires the Board of Health to draft Regulations for the administration of Naloxone by law enforcement and fire service personnel. It also requires the Board of Pharmacy to develop protocols and training on the administration of Naloxone. The bill is designed for non-EMS licensed fire agencies. EMS licensed agencies are covered under the EMS Regulations.</p> <p>HB1500, which addresses the safe reporting of overdose was passed in the General Assembly.</p> <p>The Line Of Duty Death (LODD) bill passed, but has to be voted on by the 2016 General Assembly, as it did not include language for volunteer fire/EMS. This bill takes the responsibility of LODD benefits from the Department of Accounts (DOA), and divides them between the Virginia Retirement System (VRS) and the Department of Human Resource Management (DHRM).</p> <p>Per Mr. Rhodes, it is difficult to determine an accurate definition of the term “volunteer” as it pertains to being an active member of an organization (Running calls?, Training?, Meeting Attendance?) , as well as determining how the process would work for providers who work for multiple agencies.</p> <p><b>SB Joint Resolution 259 and 260</b></p> <p>The bill confirming the appointments for the Advisory Board for both 3 year, and 4 year terms was approved.</p> <p><b>REPLICA (<u>R</u>ecognition of <u>E</u>MS <u>P</u>ersonnel <u>L</u>icensure <u>I</u>nterstate <u>C</u>ompact)</b></p> <p>SB 877 (Sen. Cosgrove) and HB 1660 (Del. Rust) creates the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact to (i) protect the public through verification of competency and ensuring of accountability for patient-care-related activities of licensed emergency medical services (EMS) personnel,(ii) facilitate the day-to-day movement of EMS personnel across state boundaries in the performance of their EMS duties as assigned by an appropriate authority, and (iii) authorize state EMS offices to afford immediate legal recognition to EMS personnel licensed in a member state.</p> |   |

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|               | <p>In order for Virginia to participate as a member state of the compact, the REPLICA model legislation was introduced during the 2015 session of the General Assembly. The model legislation must be approved by the General Assembly without any substantial changes, and the Governor must sign it into law.</p> <p>HB 1660 was summarily left in the Health, Welfare and Institutions, subcommittee #3 without discussion or full committee vote and SB877 has passed the Senate Education and Health committee and the full Senate on a unanimous vote. After cross over, SB877 was assigned to HWI sub-committee #3 and the sub-committee left the measure in committee.</p> <p>Mr. Rhodes reported that an aggressive campaign is underway to get REPLICA passed in the 2016 General Assembly. A talking points document was distributed to the committee members for review.</p> <p>There is a need to educate the members of the GA on the measure itself, and the importance of it, not just in Virginia, but nationwide. There is a potential avenue to have the measure included in the General Law or Militia Police/Public Safety committees, to avoid it having to go back to the Health, Welfare and Institutions committee.</p> <p>Mr. Rhodes stated he intends to discuss courses of action with the Speaker and Majority Leader of the House of Delegates. The EMS community really needs to talk to those delegates that were in opposition of REPLICA in the 2015 session.</p> <p>Mr. Brown stated that the REPLICA bill could be part of the VDH legislative packet, but VDH administration chooses which bills are prioritized higher than others, and that support of REPLICA by the Advisory Board could be a major step in it getting a high priority by VDH.</p> <p>Mr. Brown stated that the REPLICA bill could possibly be piggybacked on to a similar physician compact, as has been done by some other states. He is also hoping that more state will have adopted REPLICA in their own states before the next GA session.</p> | <p><b>Motion was made by Michael Player, and seconded by Byron Andrews to request that the Advisory Board support the introduction of the REPLICA bill into the 2016 General</b></p> |

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|                            | <p>Mr. Rhodes expressed concern, as the current House patron is due to retire, and a new patron has to be found. Also, the Senate patron needs to be contacted to determine whether or not they will patron the bill again in the next session.</p> <p>Dr. Logan stated that it may be possible to get REPLICIA included in the legislative packets of other allied health entities, such as VHHA, Medical Society of Virginia, or Virginia College of Emergency Physicians.</p> <p>Mr. Brown stated that there is no financial impact until it is adopted by a minimum of 10 states. After that, the National Registry of EMT's has pledged to pay all costs that states incur due to REPLICIA. There will be no costs to the Commonwealth of Virginia.</p> | <p>Assembly session, and directs the Chair to communicate that support to the Commissioner of the Department of Health for inclusion in the VDH legislative agenda/packet. Motion was approved, with one abstention (Samuels).</p> |
| <b>UNFINISHED BUSINESS</b> | There is no unfinished business to bring before the committee.   |  |
| <b>NEW BUSINESS</b>        | There is no new business.  |  |
| <b>PUBLIC COMMENT</b>      | There is no public comment.  |  |
| <b>NEXT MEETING DATE</b>   | The committee will meet on Friday, August 7, 2015 at 9 AM at the Courtyard by Marriott North in Glen Allen, VA.  |  |
| <b>ADJOURNMENT</b>         | The meeting was adjourned at 10:15 AM  |  |
|                            |  |  |