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HOUSE BILL NO. 1675

Offered January 12, 2011

Prefiled January 10, 2011

A *BILL to amend and reenact § 32.1-111.9 of the Code of Virginia, relating to emergency medical services; variances.*

Patron—Pogge

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:**1. That § 32.1-111.9 of the Code of Virginia is amended and reenacted as follows:**

§ 32.1-111.9. Applications for variances or exemptions.

A. Prior to the submission of (i) *an application for a variance to the Commissioner of Health or (ii) an application for an exemption from any regulations promulgated pursuant to this chapter to the Board of Health* by an agency, or governmental entity, ~~or provider~~ licensed or certified by the Office of Emergency Medical Services ~~of an application for a variance, or to the Board of Health for an exemption from any regulations promulgated pursuant to this chapter,~~ the application shall be reviewed by the governing body *or chief administrative officer* of the jurisdiction in which the principal office ~~or legal residence~~ of the agency, or governmental entity, ~~or provider~~ licensed or certified by the Office of Emergency Medical Services is located. The recommendation of the governing body *or chief administrative office of the local government* regarding the variance or exemption shall be submitted with the application; and, ~~absent compelling reasons to the contrary,~~ the Commissioner or Board, whichever is appropriate, shall ~~adopt~~ *consider* that recommendation for the purposes of granting or denying the variance or exemption.

B. *A provider who is certified or is a candidate for certification by the Office of Emergency Medical Services shall not be required to submit an application for a variance or exemption to the local governing body or chief administrative officer of the jurisdiction for review, but shall submit the application for a variance or exemption to the Operational Medical Director of the agency with which the provider is affiliated, and shall include the recommendations of such Operational Medical Director together with the application for a variance or exemption.*

C. The applicant shall have the right to appeal any denial by the Commissioner or Board of an application for a variance or exemption pursuant to the Administrative Process Act (§ 2.2-4000 et seq.).

INTRODUCED

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