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HOUSE BILL NO. 627

Offered January 14, 2004

Prefiled January 13, 2004

A BILL to amend and reenact §§ 32.1-111.1, 32.1-111.6, and 32.1-111.10 of the Code of Virginia, relating to definition of "ambulance"; consistency with certain federal requirements.

Patrons—O'Bannon and Nutter

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-111.1, 32.1-111.6, and 32.1-111.10 of the Code of Virginia are amended and reenacted as follows:

§ 32.1-111.1. Definitions.

As used in this article:

"Advisory Board" means the State Emergency Medical Services Advisory Board.

"Agency" means any person engaged in the business, service or regular activity, whether or not for profit, of transporting persons who are sick, injured, wounded or otherwise incapacitated or helpless, or of rendering immediate medical care to such persons.

"Ambulance" means any *privately or publicly owned vehicle, vessel or aircraft, which holds a valid permit issued by the Office of Emergency Medical Services, or craft that is specially designed, constructed, or modified and equipped, and is intended to be used for and is maintained and or operated, and is intended to be used for emergency medical care and the transportation of patients who are sick, injured, wounded, or otherwise incapacitated or helpless. The word "ambulance" may not appear on any vehicle, vessel or aircraft that does not hold a valid permit. "Ambulance" shall include, consistent with federal regulations relating to reimbursement for ambulance services through Medicare and Medicaid, seven levels of permits for the following services, i.e., Basic Life Support; Advanced Life Support, level 1; Advanced Life Support, level 2; Paramedic ALS intercept; Specialty Care Transport; Fixed Wing Transport; and Rotary Wing Transport.*

"Automated external defibrillator" means a medical device which combines a heart monitor and defibrillator and (i) has been approved by the United States Food and Drug Administration, (ii) is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia, (iii) is capable of determining, without intervention by an operator, whether defibrillation should be performed, and (iv) automatically charges and requests delivery of an electrical impulse to an individual's heart, upon determining that defibrillation should be performed.

"Emergency medical services personnel" means persons responsible for the direct provision of emergency medical services in a given medical emergency including all persons who could be described as attendants, attendants-in-charge, or operators.

"Emergency medical services vehicle" means any vehicle, vessel, aircraft, or ambulance that holds a valid emergency medical services vehicle permit issued by the Office of Emergency Medical Services that is equipped, maintained or operated to provide emergency medical care or transportation of patients who are sick, injured, wounded, or otherwise incapacitated or helpless.

§ 32.1-111.6. Permits; agency; emergency medical services vehicles.

A. No person shall operate, conduct, maintain or profess to be an *emergency medical services agency or operate or maintain any motor vehicle as an emergency medical services vehicle* without a valid permit issued by the Commissioner for such agency and for each emergency medical services vehicle used by such agency. *The word "ambulance" shall not appear on any vehicle or craft unless such vehicle or craft holds a valid permit issued by the Commissioner.*

Pursuant to this section, the Commissioner shall, consistent with federal regulations relating to reimbursement for ambulance services through Medicare and Medicaid, issue permits for ambulances according to seven levels of permits for the following services, i.e., Basic Life Support; Advanced Life Support, level 1; Advanced Life Support, level 2; Paramedic ALS intercept; Specialty Care Transport; Fixed Wing Transport; and Rotary Wing Transport.

B. The Commissioner shall issue an original or renewal permit for an agency or emergency medical services vehicle ~~which~~ *that* meets all requirements set forth in this article and in the regulations of the Board, upon application, on forms and according to procedures established by the Board. Permits shall be valid for a period specified by the Board, not to exceed two years.

C. The Commissioner may issue temporary permits for agencies or emergency medical services vehicles not meeting required standards, valid for a period not to exceed sixty days, when the public

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59 interest will be served thereby.

60 D. The issuance of a permit hereunder shall not be construed to authorize any agency to operate any
61 emergency medical services vehicle without a franchise or permit in any county or municipality which
62 has enacted an ordinance pursuant to § 32.1-111.14 making it unlawful to do so.

63 § 32.1-111.10. State Emergency Medical Services Advisory Board; purpose; membership; duties;
64 reimbursement of expenses; staff support.

65 A. There is hereby created in the executive branch the State Emergency Medical Services Advisory
66 Board for the purpose of advising the State Board of Health concerning the administration of the
67 statewide emergency medical care system and emergency medical services vehicles maintained and
68 operated to provide transportation to persons requiring emergency medical treatment, and for reviewing
69 and making recommendations on the Statewide Emergency Medical Services Plan. The State Emergency
70 Medical Services Advisory Board shall be composed of 25 members appointed by the Governor as
71 follows: one representative each of the Virginia Municipal League, Virginia Association of Counties,
72 Virginia Hospital and Healthcare Association, and each of the eight regional emergency medical services
73 councils; one member each from the Medical Society of Virginia, Virginia Chapter of the American
74 College of Emergency Physicians, Virginia Chapter of the American College of Surgeons, Virginia
75 Chapter of the American Academy of Pediatrics, Emergency Nurses Association or the Virginia Nurses'
76 Association, Virginia State Firefighters Association, Virginia Fire Chief's Association, a Virginia
77 professional firefighter, Virginia Ambulance Association, Virginia Association of Governmental
78 Emergency Medical Services Administrators, and Virginia Association of Public Safety Communications
79 Officials; two representatives of the Virginia Association of Volunteer Rescue Squads, Inc.; and one
80 consumer who shall not be involved in or affiliated with emergency medical services in any capacity.
81 Each organization and group shall submit three nominees from among which the Governor may make
82 appointments. Of the three nominees submitted by each of the regional emergency medical services
83 councils, at least one nominee shall be a representative of providers of prehospital care. Any person
84 appointed to the Advisory Board shall be a member of the organization that he represents. To ensure
85 diversity in the organizations and groups represented on the Advisory Board, the Governor may request
86 additional nominees from the applicable organizations and groups. However, the Governor shall not be
87 bound to make any appointment from among any nominees recommended by such organizations and
88 groups.

89 The members of the Advisory Board shall not be eligible to receive compensation; however, the
90 State Health Department shall provide funding for the reimbursement of expenses incurred by members
91 of the Advisory Board in the performance of their duties.

92 B. Appointments to the Advisory Board shall be for terms of three years or the unexpired portions
93 thereof in a manner to preserve insofar as possible the representation of the specified groups. No
94 member shall serve more than two successive terms. No person representing any organization or group
95 named in subsection A who has served as a member of the State Emergency Medical Services Advisory
96 Board for two or more successive terms for any period or for six or more consecutive years shall be
97 nominated for appointment or appointed to the Advisory Board unless at least three consecutive years
98 have elapsed since the person has served on the Advisory Board.

99 The chairman shall be elected from the membership of the Advisory Board for a term of one year
100 and shall be eligible for reelection. The Advisory Board shall meet at least four times annually at the
101 call of the chairman or the Commissioner.

102 C. The State Emergency Medical Services Advisory Board shall:

103 1. Advise the State Board of Health on the administration of this article;

104 2. Review and make recommendations for the Statewide Emergency Medical Services Plan and any
105 revisions thereto;

106 3. Review the annual financial report of the Virginia Association of Volunteer Rescue Squads, as
107 required by § 32.1-111.13;

108 4. Review, on a schedule as it may determine, reports on the status of all aspects of the statewide
109 emergency medical care system, including the Financial Assistance and Review Committee, the Rescue
110 Squad Assistance Fund, the regional emergency medical services councils, and the emergency medical
111 services vehicles, submitted by the State Office of Emergency Medical Services; ~~and~~

112 5. Advise the Board on the requirements for the registration and training for the use of automated
113 external defibrillators pursuant to § 32.1-111.14:1; *and*

114 6. *Advise the Board, whenever any regulation promulgated pursuant to this article is being proposed,*
115 *concerning consistency with federal regulations relating to emergency medical services, ambulances, or*
116 *the credentialing of emergency medical services agencies or personnel.*

117 D. The State Health Department's Office of Emergency Medical Services shall provide staff support
118 to the State Emergency Medical Services Advisory Board.