

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 32.1-111.9 of the Code of Virginia, relating to emergency medical*
3 *services; variances.*

[H 1675]

Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 32.1-111.9 of the Code of Virginia is amended and reenacted as follows:**

8 § 32.1-111.9. Applications for variances or exemptions.

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

21 B. A provider who is certified or is a candidate for certification by the Office of Emergency Medical
22 Services shall not be required to submit an application for a variance or exemption to the local
23 governing body or chief administrative officer of the jurisdiction for review, but shall submit the
24 application for a variance or exemption to the Operational Medical Director and the agency head of the
25 agency with which the provider is affiliated, and shall include the recommendations of such Operational
26 Medical Director and the agency head together with the application for a variance or exemption. The
27 recommendation of the Operational Medical Director and the agency head regarding the variance or
28 exemption shall be submitted with the application and the Commissioner or Board, whichever is
29 appropriate, shall consider that recommendation for the purposes of granting or denying the variance or
30 exemption.

31 C. A provider who is not affiliated with an agency shall submit an application for a variance or
32 exemption to the Commissioner or Board, whichever is appropriate, and the Commissioner or Board,
33 whichever is appropriate, shall consider the application for the purposes of granting or denying the
34 variance or exemption. The Commissioner or Board, whichever is appropriate, may require a provider
35 who is not affiliated with an agency to submit additional case-specific endorsements or supporting
36 documentation as part of an application for a variance or exemption.

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

ENROLLED

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