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1	EMS BILL PROVISIONS
2	DRAFT; NOT YET EDITED; FOR COMMITTEE DISCUSSION
3	Sec. 1. 24 V.S.A. chapter 71 is amended to read:
4	CHAPTER 71. AMBULANCE SERVICES
5	Subchapter 1. Emergency Medical Services Districts
6	§ 2651. DEFINITIONS
7	As used in this chapter:
8	* * *
9	(14) "State Board" means the State Board of Health. [Repealed.]
10	* * *
11	§ 2652. CREATION OF DISTRICTS
12	The State Board Department of Health may divide the State into emergency
13	medical services districts, the number, size, and boundaries of which shall be
14	determined by the Board Department in the interest of affording adequate and
15	efficient emergency medical services throughout the State.
16	* * *
17	§ 2654. RECORDING DETERMINATION OF DISTRICTS
18	The State Board Department of Health shall cause to be recorded in the
19	office of the Secretary of State a certificate containing its determination of
20	emergency medical services districts.
21	* * *
	VIII TO VOLCEO

Commented [BW1]: Unnecessary to retain this defined term if DOH is substituted for the State Board in accordance with DOH's proposal to do so.

Commented [BW2]: It is a DOH proposal to transfer the duties of the State Board under this chapter to DOH. Therefore, throughout this chapter, all references to the State Board are substituted with DOH.

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1	§ 2656. DUTIES AND POWERS OF OFFICERS AND DIRECTORS
2	(a) The board of directors shall have full power to manage, control, and
3	supervise the conduct of the district and to exercise in the name of the district
4	all powers and functions belonging to the district, subject to such laws or
5	regulations rules as may be applicable.
6	* * *
7	§ 2657. PURPOSES AND POWERS OF EMERGENCY MEDICAL
8	SERVICES DISTRICTS
9	(a) It shall be the function of each emergency medical services district to
10	foster and coordinate emergency medical services within the district, in the
11	interest of affording adequate ambulance services within the district. Each
12	emergency medical services district shall have powers which that include the
13	power to:
14	* * *
15	(6) monitor the provision of emergency medical services within the
16	district and make recommendations to the State Board Department of Health
17	regarding licensure, relicensure, and removal or suspension of licensure for
18	ambulance vehicles, ambulance services, and first responder services;
19	* * *

Commented [BW3]: Technical correction

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1	(11) assure ensure that each affiliated agency in the district has
2	implemented a system for the credentialing of all its licensed emergency
3	medical personnel; and
4	(12) develop protocols for providing appropriate response times to
5	requests for emergency medical services; and
6	(13) recommend to the Department of Health whether an ambulance
7	service should be provided a certificate of public good as set forth in section
8	2681 of this chapter.
9	* * *
10	(b) Two or more contiguous emergency medical services districts by a
11	majority vote of the district board in each of the districts concerned may
12	change the mutual boundaries of their emergency medical services districts.
13	The district boards shall report all changes in district boundaries to the State
14	Board Department of Health.
15	* * *
16	Subchapter 2. Licensing Operation of Ambulance Service Affiliated Agencies
17	§ 2681. LICENSE REQUIRED; CERTIFICATE OF PUBLIC GOOD
18	REQUIRED

(a)(1) A person furnishing ambulance services or first responder services

shall obtain a license to furnish services under this subchapter.

Commented [BW4]: Meant to be a technical correction in accordance with the requirement that both ambulance services and first responder services be licensed.

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1	(2) Prior to obtaining a license, an ambulance service shall obtain a
2	certificate of public good as set forth in subsection (b) of this section.
3	(b)(1) A person that desires to operate an ambulance service in an
4	emergency medical services district shall first petition the Department of
5	Health to determine whether the operation of that ambulance service will
6	promote the general good of the State, and shall at that time file a copy of that
7	petition with the district board.
8	(2)(A) Within 30 days, the district board shall review the petition and
9	file with the Department a recommendation regarding the petition, and provide
10	a copy of its recommendation to the petitioner.
11	(B) The recommendation shall set forth reasons why the petition
12	should be accepted without hearing or shall request that a hearing on the
13	petition be scheduled.
14	(3) If the district board requests a hearing on the petition, or, if the
15	Department deems a hearing necessary, the Department shall appoint a time
16	and place in the emergency medical services district for hearing the petition,
17	and shall publish the substance and time and place of hearing two weeks
18	successively in a newspaper of general circulation in the district and on the
19	Department's website, the last newspaper publication to be at least 12 days
20	before the day appointed for the hearing.

Commented [BW5]: CPGs would be required only of ambulance services, not first responder services.

Commented [BW6]: Certificate of public good; based on PUC CPGs as set forth in 30 V.S.A. § 102.

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(4) If the Department finds that the operation of the proposed ambulance
service will promote the general good of the State, including the policy of the
State set forth in 18 V.S.A. § 901, it shall give the petitioner a certificate to that
effect under its seal.
(5) For good cause, after an opportunity for hearing, the Department
may amend or revoke any certificate awarded under the provisions of this
section. If any such certificate is revoked, the ambulance service shall no
longer have authority to operate in the emergency medical services district.
§ 2682. POWERS OF STATE BOARD THE DEPARTMENT OF HEALTH
(a) The State Board Department of Health shall administer this subchapter
and shall have power to:
(1) Issue licenses for ambulance services and first responder services
under this subchapter.
(2) Revoke or suspend upon due notice and opportunity for hearing the
license of any person who violates or fails to comply with any provision of this
subchapter, or any rule or requirement adopted under its authority.
(3) Make, adopt, amend, and revise, as it deems necessary or expedient,
reasonable rules in order to promote and protect the health, safety, and welfare
of members of the public using, served by, or in need of emergency medical
treatment. Any rule may be repealed within 90 days of the date of its adoption
by a majority vote of all the district boards. Such rules may cover or relate to:

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1	(A) age, training, credentialing, and physical requirements for
2	emergency medical services personnel;
3	(B) design and equipping of ambulances;
4	(C) cooperation with hospitals and organizations in other related
5	fields, and participation in central communications procedures; and
6	(D) any other matters properly within the purposes of this chapter.
7	(b) No fee or other payment shall be required of an applicant for a license.
8	§ 2683. TERM OF LICENSE
9	Full licenses shall be issued on forms to be prescribed by the State Board
10	Department of Health for a period of one year three years beginning on
11	January 1, or for the balance of any such year three-year period. Temporary,
12	conditional, or provisional licenses may also be issued by the Board
13	Department.
14	* * *
15	§ 2689. REIMBURSEMENT FOR AMBULANCE SERVICE PROVIDERS
16	(a)(1) When an ambulance service provides emergency medical treatment
17	to a person who is insured by a health insurance policy, plan, or contract that
18	provides benefits for emergency medical treatment, the health insurer shall
19	reimburse the ambulance service directly, subject to the terms and conditions
20	of the health insurance policy, plan, or contract.

Commented [BW7]: This appears to duplicate 18 V.S.A. § 906(4), which currently allows DOH to adopt rules re: credentialing.

18 V.S.A. § 906(4) would be amended in this bill to provide for credentialing on a timeframe in accordance with ambulance licensure, and therefore it is not necessary to have this duplicate language here.

Commented [BW8]: DOH proposal to increase a license term from one to three years

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1	(2) The Department of Financial Regulation shall enforce the provisions
2	of this subsection.
3	(b) Nothing in this section shall be construed to interfere with coordination
4	of benefits or to require a health insurer to provide coverage for services not
5	otherwise covered under the insured's policy, plan, or contract.
6	(c) Nothing in this section shall preclude an insurer from negotiating with
7	and subsequently entering into a contract with a nonparticipating ambulance
8	service to establish rates of reimbursement for emergency medical treatment.
9	Sec. 2. 18 V.S.A. chapter 17 is amended to read:
10	CHAPTER 17. EMERGENCY MEDICAL SERVICES
11	§ 901. POLICY
12	It is the policy of the State of Vermont that all persons who suffer sudden
13	and unexpected illness or injury should have access to the emergency medical
14	services system in order to prevent loss of life or the aggravation of the illness
15	or injury, and to alleviate suffering.
16	(1) The system should include competent emergency medical care
17	treatment provided by adequately trained, licensed, credentialed, and equipped

personnel acting under appropriate medical control.

and to upgrade the quality of their vehicles and equipment.

(2) Persons involved in the delivery of emergency medical care should

be encouraged to maintain and advance their levels of training and licensure,

Commented [BW9]: SGO may want to take testimony from DFR – which regulates health insurers – to understand any known basis for why this current law reimbursement requirement is not always happening in practice.

Commented [BW10]: Meant to be a technical correction, since "emergency medical treatment" is a defined term, but "emergency medical care" is not.

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1	* * *
2	§ 903. AUTHORIZATION FOR PROVISION OF EMERGENCY
3	MEDICAL SERVICES
4	Notwithstanding any other provision of law, including provisions of
5	26 V.S.A. chapter 23, persons who are licensed and credentialed to provide
6	emergency medical care treatment pursuant to the requirements of this chapter
7	and implementing regulations the rules adopted under it are hereby authorized
8	to provide such care without further certification, registration, or licensing.
9	§ 904. ADMINISTRATIVE PROVISIONS
10	(a) In order to carry out the purposes and responsibilities of this chapter,
11	the Department of Health may contract for the provision of specific services.
12	(b) The Secretary of Human Services, upon the recommendation of the
13	Commissioner of Health, may issue adopt rules to carry out the purposes and
14	responsibilities of this chapter.
15	* * *
16	§ 906. EMERGENCY MEDICAL SERVICES DIVISION;
17	RESPONSIBILITIES
18	To implement the policy of section 901 of this title chapter, the Department
19	of Health shall be responsible for:
20	(1) Developing and implementing minimum standards for training
21	emergency medical personnel in basic life support and advanced life support,
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Commented [BW11]: Same intended technical correction as above.

Commented [BW12]: Technical correction since, under this chapter and the VAPA, DOH adopts rules.

Commented [BW13]: Technical correction.

1	and licensing emergency medical personnel according to their level of training
2	and competence.

- (2) Developing and implementing minimum standards for vehicles used in providing emergency medical care, designating the types and quantities of equipment that must be carried by these vehicles, and registering those vehicles according to appropriate classifications.
- (3) Developing a statewide system of emergency medical services, including planning, organizing, coordinating, improving, expanding, monitoring, and evaluating emergency medical services.
- (4) Establishing by rule minimum standards for the credentialing of emergency medical personnel by their affiliated agency, which shall be required in addition to the licensing requirements of this chapter in order for a person to practice as an emergency medical provider.
- (A) Credentialing shall be for a term of two years, shall correlate to the term of emergency medical personnel licenses, and shall consist of the minimum and appropriate requirements necessary to ensure that an emergency medical provider can demonstrate the competence and minimum skills necessary to practice within his or her scope of licensure.
- (B) Any rule shall balance the need for documenting competency against the burden placed on rural or smaller volunteer squads with little or no administrative staff.

Commented [BW14]: Currently one year via EMS Rule § 8.1.

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1	(5) Developing volunteer and career response time standards for urban
2	and rural requests for emergency services.
3	(6)(A) Training, or assisting in the training of, emergency medical
4	personnel, including using up to \$750,000.00 of the monies in the Emergency
5	Medical Services Fund established pursuant to section 908 of this chapter or
6	other monies appropriated to the Department for emergency medical personnel
7	training as follows:
8	(i) 50 percent shall be used for competitive grants to emergency
9	medical technician training programs based on documented regional and
10	multiagency support;
11	(ii) 25 percent shall be used to support the online, distance-
12	<u>learning emergency medical technician training opportunities developed by the</u>
13	Department pursuant to subsection 908(b) of this chapter and to support
14	partnerships with regional ambulance services to provide practical education
15	and skill development; and
16	(iii) 25 percent shall be used to provide tuition reimbursement
17	grants to newly licensed paramedics serving Vermont communities.
18	(B) The Department shall adopt rules in accordance with 3 V.S.A.
19	chapter 25 to specify eligibility criteria for applicants to receive grants under
20	subdivision (A) of this subdivision. The Department's rules shall include a
21	requirement that recipient programs offer their training courses at no or low
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Commented [BW15]: Incorporated from $\underline{H.742}$ (grants for EMS personnel training), which will also be taken up in HHC.

See also H.742's amendments to 18 V.S.A. § 908 (EMS Fund) and 32 V.S.A. § 8557 (EMS training funds via VFSTC) and related session law appropriations, set forth in this draft.

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local or regional first responder service.
(7) Assisting hospitals in the development of programs which that will
improve the quality of in-hospital services for persons requiring emergency
medical care <u>treatment</u> .
(8) Developing and implementing procedures to ensure that emergency
medical services are rendered only with appropriate medical control. For the
provision of advanced life support, appropriate medical control shall include at
a minimum:
(A) written protocols between the appropriate officials of receiving
hospitals and emergency medical services districts defining their operational
procedures;
(B) where necessary and practicable, direct communication between
emergency medical personnel and a physician or person acting under the direct
supervision of a physician;
(C) when such communication has been established, a specific order
from the physician or person acting under the direct supervision of the
physician to employ a certain medical procedure;
(D) use of advanced life support, when appropriate, only by
emergency medical personnel who are certified by the Department of Health to

employ advanced life support procedures.

21

Commented [BW16]: Technical correction.

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1	(9) Establishing requirements for the collection of data by emergency
2	medical personnel and hospitals as may be necessary to evaluate emergency
3	medical eare treatment.
4	(10) Establishing, by rule, license levels for emergency medical
5	personnel. There shall be at least five levels of licensure, in the following
6	order of least to most expansive scope of practice: (1) community responder
7	(CR); (2) emergency medical responder (EMR); (3) emergency medical
8	technician (EMT); (4) advanced emergency medical technician (A-EMT); and
9	(5) paramedic. The Commissioner shall use the guidelines established by the
10	National Highway Traffic Safety Administration (NHTSA) in the U.S.
11	Department of Transportation as a standard or other comparable standards,
12	except that a felony conviction shall not necessarily disqualify an applicant.
13	The rules shall also provide that:
14	(A) An individual may apply for and obtain one or more additional
15	licenses, including licensure as an advanced emergency medical technician or
16	as a paramedic.
17	(B) An individual licensed by the Commissioner as an emergency
18	medical technician, advanced emergency medical technician, or a paramedic,
19	who is credentialed by an affiliated agency, shall be able to practice fully
20	within the scope of practice for such level of licensure as defined by NHTSA's
21	National EMS Scope of Practice Model consistent with the license level of the
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Commented [BW17]: Technical correction.

Commented [BW18]: New proposed EMS professional. *See also* the requirement for DOH to adopt rules to create this level at the session law section near the end of this draft.

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affiliated agency, and subject to the medical direction of the emergency medical services district medical advisor.

(C) Unless otherwise provided under this section, an individual seeking any level of licensure shall be required to pass an examination approved by the Commissioner for that level of licensure. Written and practical examinations shall not be required for relicensure; however, to maintain licensure, all individuals shall complete a specified number of hours of continuing education as established by rule by the Commissioner. The Commissioner shall ensure that continuing education classes are available online and provided on a regional basis to accommodate the needs of volunteers and part-time individuals, including those in rural areas of the State.

(D) If there is a hardship imposed on any applicant for a license under this section because of unusual circumstances, the applicant may apply to the Commissioner for a temporary or permanent waiver of one or more of the licensure requirements, which the Commissioner may grant for good cause.

(E) An applicant who has served as a hospital corpsman or a medic in the U.S. Armed Forces, or who is licensed as a registered nurse or a physician assistant shall be granted a permanent waiver of the training requirements to become a licensed emergency medical technician, an advanced emergency medical technician, or a paramedic, provided the applicant passes the applicable examination approved by the Commissioner for that level of

Commented [BW19]: As a follow-up to EMS request for more accessible education, please discuss this existing provision with DOH.

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1	licensure and further provided that the applicant is credentialed by an affiliated
2	agency.
3	(F) An applicant who is registered on the National Registry of
4	Emergency Medical Technicians as an emergency medical technician, an
5	advanced emergency medical technician, or a paramedic shall be granted
6	licensure as a Vermont emergency medical technician, an advanced emergency
7	medical technician, or a paramedic without the need for further testing,
8	provided he or she is credentialed by an affiliated agency or is serving as a
9	medic with the Vermont National Guard.
10	(G) [Repealed.]
11	* * *
12	§ 906b. TRANSITIONAL PROVISION; CERTIFICATION TO
13	LICENSURE
14	Every person certified as an emergency medical provider shall have his or
15	her certification converted to the comparable level of licensure. Until such
16	time as the Department of Health issues licenses in lieu of certificates, each
17	certified emergency medical provider shall have the right to practice in
18	accordance with his or her level of certification. [Repealed.]
19	§ 906d. RENEWAL REQUIREMENTS; SUNSET REVIEW
20	(a) Not less than once every five years, the Department shall review
21	emergency medical personnel continuing education and other continuing

Commented [BW20]: Technical correction. This was a transitional provision from 2012, when EMS professional regulation transitioned from certification to licensure.

This section appears temporary in nature and therefore may be repealed.

Commented [BW21]: Based on $\underline{S.233}$ (uniform licensing standards).

Purpose is to review the ongoing need for current renewal requirements.

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1	competency requirements. The review results shall be in writing and address	
2	the following:	
3	(1) the renewal requirements of the profession;	
4	(2) the renewal requirements in other jurisdictions, particularly in the	
5	Northeast region;	
6	(3) the cost of the renewal requirements for emergency medical	
7	personnel; and	
8	(4) an analysis of the utility and effectiveness of the renewal	
9	requirements with respect to public protection.	
10	(2) The Department shall amend its rules or propose any necessary	
11	statutory amendments to revise any emergency medical personnel continuing	
12	education and other continuing competency requirements that are not	
13	necessary for the protection of the public health, safety, or welfare.	
14	* * *	
15	§ 908. EMERGENCY MEDICAL SERVICES SPECIAL FUND	Commented [BW22]: From H.742.
16	(a) The Emergency Medical Services Fund is established <u>as a special fund</u>	
17	pursuant to 32 V.S.A. chapter 7, subchapter 5 comprising revenues received by	
18	the Department from the Fire Safety Special Fund, pursuant to 32 V.S.A. §	
19	8557(a), that are designated for this Special Fund; and public and private	
20	sources, such as gifts, grants, and donations, together with additions and	

interest accruing to the Fund. The Commissioner of Health shall administer

the Fund to the extent funds are available to support online and regional
training programs, data collection and analysis, and other activities relating to
the training of emergency medical personnel and delivery of emergency
medical services and ambulance services in Vermont, as determined by the
Commissioner, after consulting with the EMS Advisory Committee established
under section 909 of this title. Any balance at the end of the fiscal year shall
be carried forward in the Fund.
(b) From the funds in the Emergency Medical Services Special Fund, the
Commissioner of Health shall develop and implement by September 1, 2012
online training opportunities and offer regional classes to enable individuals to
comply with the requirements of subdivision 906(10)(C) of this title chapter.
§ 909. EMS ADVISORY COMMITTEE
(a) The Commissioner shall establish an advisory committee to advise on
matters relating to the delivery of emergency medical services (EMS) in
Vermont.
(b) The Emergency Medical Services Advisory Committee shall include
the following members:
* * *
(e) Beginning on January 1, 2019, the Committee shall report annually on
the emergency medical services system to the House Committees on
Government Operations, on Commerce and Economic Development, and on

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Human Services and to the Senate Committees on Government Operations, on 1 2 Economic Development, Housing and General Affairs, and on Health and 3 Welfare. The Committee's reports shall include information on the following: 4 5 (6) the nature and costs of dispatch services for EMS providers 6 throughout the State, including the annual number of mutual aid calls to an 7 emergency medical services district that come from outside the district, and 8 suggestions for improvement; 9 10 Sec. 3. 32 V.S.A. § 8557 is amended to read: 11 § 8557. VERMONT FIRE SERVICE TRAINING COUNCIL 12 (a)(1) Sums for the expenses of the operation of training facilities and

Commented [BW23]: From H.742.

(a)(1) Sums for the expenses of the operation of training facilities and curriculum of the Vermont Fire Service Training Council not to exceed \$1,200,000.00 \$1,950,000.00 per year shall be paid to the Fire Safety Special Fund created by 20 V.S.A. § 3157 by insurance companies, writing fire, homeowners multiple peril, allied lines, farm owners multiple peril, commercial multiple peril (fire and allied lines), private passenger and commercial auto, and inland marine policies on property and persons situated within the State of Vermont within 30 days after notice from the Commissioner of Financial Regulation of such estimated expenses. Captive companies shall be excluded from the effect of this section.

- (2) The Commissioner shall annually, on or before July 1, apportion such charges among all such companies and shall assess them for the charges on a fair and reasonable basis as a percentage of their gross direct written premiums on such insurance written during the second prior calendar year on property situated in the State. The Department of Taxes shall collect all assessments under this section.
- (3) An amount not less than \$100,000.00 shall be specifically allocated to the provision of what are now or formerly referred to as Level I, units I, II, and III (basic) courses for entry-level firefighters.
- (4) An amount not less than \$150,000.00 \$900,000.00 shall be specifically allocated to the Emergency Medical Services Special Fund established under 18 V.S.A. § 908 for the provision of training programs for emergency medical technicians, advanced emergency medical technicians, and paramedics.
- (5) The Department of Health shall present a plan to the Joint Fiscal Committee that shall review the plan prior to the release of any funds.
- (b) All administrative provisions of chapter 151 of this title, including those relating to the collection and enforcement of the income tax by theCommissioner, shall apply to this section.

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1	Sec. 4. EMERGENCY MEDICAL PERSONNEL TRAINING;	Commented [BW24]: From H.742.
2	APPROPRIATION	
3	The sum of \$750,000.00 is appropriated from the Fire Safety Special Fund	
4	to the Emergency Medical Services Fund in fiscal year 2021 for use by the	
5	Department of Health for emergency medical personnel training as follows:	
6	(1) \$375,000.00 shall be used for competitive grants for emergency	
7	medical technician training programs based on documented regional and	
8	multiagency support;	
9	(2) \$187,500.00 shall be used to support online, distance-learning	
10	emergency medical technician training opportunities developed by the	
11	Department pursuant to 18 V.S.A. § 908(b) and to support partnerships with	
12	regional ambulance services to provide practical education and skill	
13	development; and	
14	(3) \$187,500.00 shall be used to provide tuition reimbursement grants to	
15	newly licensed paramedics serving Vermont communities.	
16	Sec. 5. EMERGENCY SERVICE PROVIDERS; PROGRAMS OF STUDY	Commented [BW25]: From H.707
17	The Agency of Education shall coordinate with the following partners to	
18	provide at each of the regional technical centers one or more postsecondary	
19	career technical education programs that lead to Firefighter I and Emergency	
20	Medical Responder certifications through the Dual Enrollment Program	
21	created in 16 V.S.A. § 944:	
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(1) the Division of Fire Safety within the Department of Public Safety;

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2	(2) the Emergency Preparedness, Response and Injury Prevention	
3	Division within the Department of Health;	
4	(3) the Student Pathways Division within the Agency of Education; and	
5	(4) the respective supervisory authorities for each regional technical	
6	center.	
7	Sec. 6. DEPARTMENT OF HEALTH; TRANSITIONAL PROVISIONS TO	
8	IMPLEMENT THIS ACT	
9	(a) Community responder rule. On or before October 1, 2020, the	
10	Department of Health shall commence rulemaking to establish the new	
11	community responder license level for emergency medical personnel set forth	
12	in Sec. 2, 18 V.S.A. § 906(10).	
13	(b) Sunset review of renewal requirements. Pursuant to 18 V.S.A. § 908d	
14	(renewal requirements; sunset review) set forth in Sec. 2 this act, the	
15	Department of Health shall conduct its first sunset review on or before	
16	November 1, 2020 and thereafter amend its rules or propose any necessary	
17	statutory amendments in accordance with that section.	
18	Sec. 7. EFFECTIVE DATE	Commented [BW26]: From H.742
19	This act shall take effect on [TBD], with the amendments to 32 V.S.A.	
20	§ 8557 in Sec. 3 of this act to be applied beginning with the charges to be	

1	apportioned and assessed by the Commissioner of Financial Regulation on or
2	before July 1, 2020 in accordance with 32 V.S.A. § 8557(a)(2).
3	
4	
5	
6	
7	ADDITIONAL NOTES:
8	• <u>H.922</u> is an HGO committee bill re: misc. amendments to the Vermont
9	State Employees' Retirement System. Potentially address in that bill
10	amendments re: regional EMS access to the VSERS?
11	
12	
13	

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