

HB 2916

FILED

2009 MAY -6 PM 1:29

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2009



ENROLLED

**COMMITTEE SUBSTITUTE
FOR
House Bill No. 2916**

(By Delegates Staggers, Morgan, M. Poling,
Caputo, Webster, White and Perdue)



Passed April 11, 2009

In Effect from Passage

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SECRETARY OF STATE

H. B. 2916

(BY DELEGATES STAGGERS, MORGAN, M. POLING,
CAPUTO, WEBSTER, WHITE AND PERDUE)

[Passed April 11, 2009; in effect from passage.]

AN ACT to amend and reenact §16-4C-6, §16-4C-6b and §16-4C-8 of the Code of West Virginia, 1931 as amended, all relating to the Emergency Medical Services Act; providing rule-making authority for fees for certification and recertification of emergency services personnel; providing for fees for certification and recertification of emergency services personnel to be deposited in the Emergency Medical Services Agency Licensure Fund; requiring applicants for certification to submit to a criminal history background check; prohibiting the release of results of criminal history background check to or by private entities; and establishing fees for certification and recertification of emergency services personnel.

Be it enacted by the Legislature of West Virginia:

85:1 119 8 - That §16-4C-6, §16-4C-6b and §16-4C-8 of the Code of West Virginia, 1931 as amended, be amended and reenacted, all to read as follows:

ARTICLE 4C. EMERGENCY MEDICAL SERVICES ACT.

§16-4C-6. Powers and duties of commissioner.

1 The commissioner shall have the following powers and
2 duties:

3 (a) In accordance with chapter twenty-nine-a of this code,
4 to propose rules regarding the age, training, retraining,
5 testing, certification and recertification, and fees for the
6 certification and recertification, of emergency medical
7 service personnel. However, the commissioner may not
8 propose any rule required by this article until it has been
9 submitted for review to the emergency medical services
10 advisory council and this council has had at least thirty days
11 to review such proposed rule. The council may take no
12 action unless a quorum is present;

13 (b) To apply for, receive and expend advances, grants,
14 contributions and other forms of assistance from the state or
15 federal government or from any private or public agencies or
16 foundations to carry out the provisions of this article;

17 (c) To design, develop and annually review a statewide
18 emergency medical services implementation plan. The plan
19 shall recommend aid and assistance and all other acts
20 necessary to carry out the purposes of this article:

21 (1) To encourage local participation by area, county and
22 community officials and regional emergency medical
23 services boards of directors; and

24 (2) To develop a system for monitoring and evaluating
25 emergency medical services programs throughout the state;

26 (d) To provide professional and technical assistance and
27 to make information available to regional emergency medical
28 services boards of directors and other potential applicants or
29 program sponsors of emergency medical services for
30 purposes of developing and maintaining a statewide system
31 of services;

32 (e) To assist local government agencies, regional
33 emergency medical services boards of directors and other
34 public or private entities in obtaining federal, state or other
35 available funds and services;

36 (f) To cooperate and work with federal, state and local
37 governmental agencies, private organizations and other
38 entities as may be necessary to carry out the purposes of this
39 article;

40 (g) To acquire in the name of the state by grant, purchase,
41 gift, devise or any other methods appropriate real and
42 personal property as may be reasonable and necessary to
43 carry out the purposes of this article;

44 (h) To make grants and allocations of funds and property
45 so acquired or which may have been appropriated to the
46 agency to other agencies of state and local government as
47 may be appropriate to carry out the purposes of this article;

48 (i) To expend and distribute by grant or bailment funds
49 and property to all state and local agencies for the purpose of
50 performing the duties and responsibilities of the agency all
51 funds which it may have so acquired or which may have been
52 appropriated by the Legislature of this state;

53 (j) To develop a program to inform the public concerning
54 emergency medical services;

55 (k) To review and disseminate information regarding
56 federal grant assistance relating to emergency medical
57 services;

58 (l) To prepare and submit to the Governor and
59 Legislature recommendations for legislation in the area of
60 emergency medical services;

61 (m) To review, make recommendations for and assist in
62 all projects and programs that provide for emergency medical
63 services whether or not the projects or programs are funded
64 through the Office of Emergency Medical Services. A
65 review and approval shall be required for all emergency
66 medical services projects, programs or services for which
67 application is made to receive state or federal funds for their
68 operation after the effective date of this act; and

69 (n) To take all necessary and appropriate action to
70 encourage and foster the cooperation of all emergency
71 medical service providers and facilities within this state.

72 (o) Nothing in this article may be construed to allow the
73 commissioner to dissolve, invalidate or eliminate any existing
74 emergency medical service program or ambulance providers
75 in service at the time of adoption of the amendment to this
76 article in the regular session of the Legislature in the year
77 1984, or to deny them fair access to federal and state funding,
78 medical facilities and training programs.

**§16-4C-6b. Establishment of emergency medical services
agency licensure fund; authorized
expenditures; annual report.**

1 (a) There is established in the State Treasury a special
2 revenue fund designated the "Emergency Medical Services
3 Agency Licensure Fund", which shall be administered by the
4 Commissioner of the Bureau of Public Health.

5 (b) All application, personnel certification and
6 recertification and agency licensing fees collected pursuant
7 to the provisions of sections six, six-a and eight of this article
8 shall be deposited into the fund and expended in accordance
9 with the agency licensure and personnel certification and
10 recertification duties imposed in this article.

11 (c) Any remaining balance, including accrued interest, in
12 the fund at the end of the fiscal year shall not revert to the
13 General Revenue Fund, but shall remain in the account.

14 (d) On or before January 1 of each year, the
15 commissioner shall provide the Legislature with an annual
16 fiscal year report on the emergency medical services agency
17 licensure account including, but not limited to, the previous
18 fiscal year's expenditures; projected expenditures for the
19 current and next fiscal years; the number of agency licenses
20 and personnel certifications and recertifications issued,
21 denied, suspended or revoked; and, the status of licensure and
22 certification hearings and court actions.

§16-4C-8. Standards for emergency medical service personnel.

1 (a) Every ambulance operated by an emergency medical
2 service agency shall carry at least two personnel. At least
3 one person shall be certified in cardiopulmonary resuscitation
4 or first aid and the person in the patient compartment shall be
5 certified as an emergency medical technician-basic at a
6 minimum, except that in the case of a specialized multipatient
7 medical transport, only one staff person is required and that
8 person shall be certified, at a minimum, at the level of an

9 emergency medical technician-basic. (b) As a minimum the
10 training for each class of emergency medical service
11 personnel shall include:

12 (1) Emergency medical service attendant: Shall have
13 earned and possess valid certificates from the department or
14 by authorities recognized and approved by the commissioner;

15 (2) Emergency medical technician-basic: Shall have
16 successfully completed the course for certification as an
17 emergency medical technician-basic as established by the
18 commissioner or authorities recognized and approved by the
19 commissioner; and

20 (3) Emergency medical technician-paramedic: Shall have
21 successfully completed the course for certification as an
22 emergency medical technician-paramedic established by the
23 commissioner or authorities recognized and approved by the
24 commissioner.

25 (c) Subsection (b) of this section may not be considered
26 to limit the power of the commissioner to prescribe training,
27 certification and recertification standards.

28 (d) Any person desiring emergency medical service
29 personnel certification shall apply to the commissioner using
30 forms and procedures prescribed by the commissioner. Upon
31 receipt of the application, the commissioner shall determine
32 whether the applicant meets the certification requirements
33 and may examine the applicant, if necessary to make that
34 determination.

35 (e) The applicant shall submit to a national criminal
36 background check, the requirement of which is declared to be
37 not against public policy.

38 (1) The applicant shall meet all requirements necessary
39 to accomplish the national criminal background check,
40 including submitting fingerprints, and authorizing the West
41 Virginia Office of Emergency Services and the Federal
42 Bureau of Investigation to use all records submitted and
43 produced for the purpose of screening the applicant for
44 certification.

45 (2) The results of the national criminal background check
46 may not be released to or by a private entity.

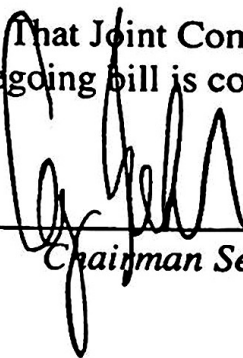
47 (3) The applicant shall submit a fee of \$75 for initial
48 certification and a fee of \$50 for recertification. The fees set
49 forth in this subsection remain in effect until modified by
50 legislative rule.

51 (f) If the Commissioner determines that the applicant
52 meets all of the requirements, he or she shall issue an
53 appropriate emergency medical service personnel certificate
54 which shall be valid for a period as determined by the
55 commissioner.

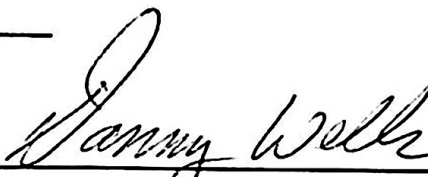
56 (g) State and county continuing education and
57 recertification programs for all levels of emergency medical
58 service providers shall be available to emergency medical
59 service providers at a convenient site within one hundred
60 miles of the provider's primary place of operation at sites
61 determined by the regional emergency medical services
62 offices. The continuing education program shall be provided
63 at a cost specified in a fee schedule to be promulgated by
64 legislative rule in accordance with article three, chapter
65 twenty-nine-a of this code by the Secretary of the Department
66 of Health and Human Resources to all nonprofit emergency
67 medical service personnel.

68 (h) The commissioner may issue a temporary emergency
69 medical service personnel certificate to an applicant, with or
70 without examination of the applicant, when he or she finds
71 that issuance to be in the public interest. Unless suspended
72 or revoked, a temporary certificate shall be valid initially for
73 a period not exceeding one hundred twenty days and may not
74 be renewed unless the commissioner finds the renewal to be
75 in the public interest. The expiration date of a temporary
76 certificate shall be extended until the holder is afforded at
77 least one opportunity to take an emergency medical service
78 personnel training course within the general area where he or
79 she serves as an emergency medical service personnel, but
80 the expiration date may not be extended for any longer period
81 of time or for any other reason.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



Chairman Senate Committee



Chairman House Committee

Originating in the House.

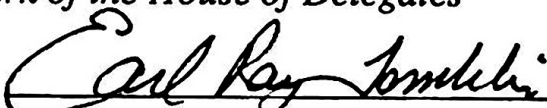
In effect from passage.



Clerk of the Senate



Clerk of the House of Delegates

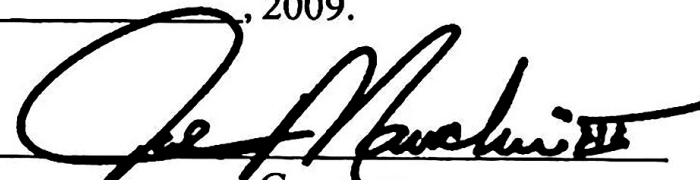


President of the Senate



Speaker of the House of Delegates

The within passed this the 6th
day of May, 2009.



Governor

PRESENTED TO THE
GOVERNOR

MAY - 4 2009

Time 10:05 pm