

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 2759**

4 (By Delegates Staggers, Perry, Phillips, L., Phillips, R.,
5 Tomblin, Stowers, Eldridge, Moye, Poling, M., Marcum, White)

6 (Originating in the Committee on Finance)

7 [March 26, 2013]

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10 A BILL to amend and reenact §16-4C-8 of the Code of West Virginia,
11 1931, as amended, relating generally to standards for
12 emergency medical service personnel; providing minimum
13 requirements for staffing ambulances with emergency services
14 personnel; providing that an applicant for renewal of an
15 emergency medical service personnel certificate who is
16 nationally certified or who has had a state certification
17 continuously for five years is not required to take a skills
18 exam; providing rulemaking authority for the Office of
19 Emergency Services relating to certification and
20 recertification of emergency services personnel; providing
21 that no fees be charged to certify or recertify an Emergency
22 Medical Technician - Miner.

23 *Be it enacted by the Legislature of West Virginia:*

24 That §16-4C-8 of the Code of West Virginia, 1931, as amended,
25 be amended and reenacted to read as follows:

26 **ARTICLE 4C. EMERGENCY MEDICAL SERVICES ACT.**

1 **§16-4C-8. Standards for emergency medical service personnel.**

2 (a) ~~Every~~ An ambulance operated by an emergency medical
3 service agency shall carry at least two personnel. At least one
4 person shall be certified ~~in cardiopulmonary resuscitation or first~~
5 ~~aid as~~ an Emergency Medical Vehicle Operator and the person in the
6 patient compartment shall be certified as an emergency medical
7 technician-basic at a minimum except that in the case of a
8 specialized multipatient medical transport, only one staff person
9 is required and that person shall be certified, at a minimum, at
10 the level of an emergency medical technician-basic. ~~The~~
11 ~~requirements of this subsection will remain in effect until revised~~
12 ~~by the legislative rule to be promulgated pursuant to subsection~~
13 ~~(b) of this section.~~

14 ~~(b) On or before May 28, 2010, the commissioner shall submit~~
15 ~~a proposed legislative rule to the Emergency Medical Services~~
16 ~~Advisory Council for review, and on or before June 30, 2010, shall~~
17 ~~file the proposed legislative rule with the office of the Secretary~~
18 ~~of State, in accordance with the provisions of chapter~~
19 ~~twenty-nine-a, article three of this code, to establish~~
20 ~~certification standards for emergency medical vehicle operators and~~
21 ~~to revise the requirements for emergency medical service personnel.~~

22 ~~(c) (b) As of the effective date of the legislative rule to be~~
23 ~~promulgated pursuant to subsection (b) of this section, Emergency~~
24 ~~medical service personnel who operate ambulances shall meet the~~
25 ~~requirements set forth in the legislative rule.~~

26 ~~(d) (c) Any~~ A person desiring emergency medical service

1 personnel certification shall apply to the commissioner using forms
2 and procedures prescribed by the commissioner. Upon receipt of the
3 application, the commissioner shall determine whether the applicant
4 meets the certification requirements and may examine the applicant,
5 if necessary to make that determination.

6 ~~(e)~~ (d) The applicant shall submit to a national criminal
7 background check; ~~the requirement of which is declared to be not~~
8 ~~against public policy.~~

9 (1) The applicant shall meet all requirements necessary to
10 accomplish the national criminal background check, including
11 submitting fingerprints, and authorizing the West Virginia Office
12 of Emergency Medical Services, the West Virginia State Police and
13 the Federal Bureau of Investigation to use all records submitted
14 and produced for the purpose of screening the applicant for
15 certification.

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

18 ~~(3) The applicant shall submit a fee of \$75 for initial~~
19 ~~certification and a fee of \$50 for recertification: The~~
20 ~~commissioner shall promulgate the certification and recertification~~
21 ~~fees by legislative rule: *Provided*, That there shall be no fees for~~
22 ~~the certification or recertification of an Emergency Medical~~
23 ~~Technician - Miner. The fees set forth in this subsection remain in~~
24 ~~effect until modified by legislative rule.~~

25 ~~(f)~~ (e) An application for an original, renewal or temporary
26 emergency medical service personnel certificate or emergency

1 medical services agency license, shall be acted upon by the
2 commissioner and the certificate or license delivered or mailed, or
3 a copy of any order of the commissioner denying ~~any such an~~
4 application delivered or mailed to the applicant, within fifteen
5 days after the date upon which the complete application including
6 test scores and background checks, if applicable, was received by
7 the commissioner.

8 (f) An applicant for renewal of an emergency medical service
9 personnel certificate possessing a current National Registry
10 certification at the appropriate level or that has continuously
11 maintained a West Virginia certification for five consecutive years
12 are not required to complete a state cognitive and skills
13 examination provided the applicant meets all other requirements for
14 renewal, as provided by legislative rule. An emergency medical
15 service personnel whose West Virginia certification has lapsed for
16 greater than six months may be required by the commissioner to
17 complete a state cognitive and skills examination prior to renewal
18 of their certificate.

19 (g) Any A person may report to the commissioner or the
20 Director of the Office of Emergency Medical Services information he
21 or she may have that appears to show that a person certified by the
22 commissioner may have violated the provisions of this article or
23 legislative rules promulgated pursuant to this article. A person
24 who is certified by the commissioner, who knows of or observes
25 another person certified by the commissioner violating the
26 provisions of this article or legislative rules promulgated

1 pursuant to this article, has a duty to report the violation to the
2 commissioner or director. Any person who reports or provides
3 information in good faith is immune from civil liability.

4 (h) The commissioner may issue a temporary emergency medical
5 service personnel certificate to an applicant, with or without
6 examination of the applicant, when he or she finds that issuance to
7 be in the public interest. Unless suspended or revoked, a temporary
8 certificate shall be valid initially for a period not exceeding one
9 hundred twenty days and may not be renewed unless the commissioner
10 finds the renewal to be in the public interest.