

1 **H. B. 2759**

2
3 (By Delegates Staggers, Perry, Phillips, L.,
4 Phillips, R., Tomblin, Stowers, Eldridge, Moye,
5 Poling, M., Marcum and White)

6
7 [Introduced February 27, 2013; referred to the
8 Committee on Health and Human Resources then Finance.]

9
10 A BILL to amend and reenact §16-4C-8 of the Code of West Virginia,
11 1931, as amended, relating to standards for emergency medical
12 service personnel; and providing that no fees be charged to
13 certify or recertify an Emergency Medical Technician - Miner.

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

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

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

18 **§16-4C-8. Standards for emergency medical service personnel.**

19 (a) Every ambulance operated by an emergency medical service
20 agency shall carry at least two personnel. At least one person
21 shall be certified in cardiopulmonary resuscitation or first aid
22 and the person in the patient compartment shall be certified as an
23 emergency medical technician-basic at a minimum except that in the
24 case of a specialized multipatient medical transport, only one
25 staff person is required and that person shall be certified, at a

1 minimum, at the level of an emergency medical technician-basic.
2 The requirements of this subsection will remain in effect until
3 revised by the legislative rule to be promulgated pursuant to
4 subsection (b) of this section.

5 (b) On or before May 28, 2010, the commissioner shall submit
6 a proposed legislative rule to the Emergency Medical Services
7 Advisory Council for review, and on or before June 30, 2010, shall
8 file the proposed legislative rule with the office of the Secretary
9 of State, in accordance with the provisions of chapter
10 twenty-nine-a, article three of this code, to establish
11 certification standards for emergency medical vehicle operators and
12 to revise the requirements for emergency medical service personnel.

13 (c) As of the effective date of the legislative rule to be
14 promulgated pursuant to subsection (b) of this section, emergency
15 medical service personnel who operate ambulances shall meet the
16 requirements set forth in the legislative rule.

17 (d) Any person desiring emergency medical service personnel
18 certification shall apply to the commissioner using forms and
19 procedures prescribed by the commissioner. Upon receipt of the
20 application, the commissioner shall determine whether the applicant
21 meets the certification requirements and may examine the applicant,
22 if necessary to make that determination.

23 (e) The applicant shall submit to a national criminal
24 background check, the requirement of which is declared to be not

1 against public policy.

2 (1) The applicant shall meet all requirements necessary to
3 accomplish the national criminal background check, including
4 submitting fingerprints, and authorizing the West Virginia Office
5 of Emergency Medical Services, the West Virginia State Police and
6 the Federal Bureau of Investigation to use all records submitted
7 and produced for the purpose of screening the applicant for
8 certification.

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

11 (3) The applicant shall submit a fee of \$75 for initial
12 certification and a fee of \$50 for recertification: Provided, That
13 no fees may be charged for the certification or recertification of
14 an Emergency Medical Technician - Miner. The fees set forth in this
15 subsection remain in effect until modified by legislative rule.

16 (f) An application for an original, renewal or temporary
17 emergency medical service personnel certificate or emergency
18 medical services agency license, shall be acted upon by the
19 commissioner and the certificate or license delivered or mailed, or
20 a copy of any order of the commissioner denying any such
21 application delivered or mailed to the applicant, within fifteen
22 days after the date upon which the complete application including
23 test scores and background checks, if applicable, was received by
24 the commissioner.

1 (g) Any person may report to the commissioner or the Director
2 of the Office of Emergency Medical Services information he or she
3 may have that appears to show that a person certified by the
4 commissioner may have violated the provisions of this article or
5 legislative rules promulgated pursuant to this article. A person
6 who is certified by the commissioner, who knows of or observes
7 another person certified by the commissioner violating the
8 provisions of this article or legislative rules promulgated
9 pursuant to this article, has a duty to report the violation to the
10 commissioner or director. Any person who reports or provides
11 information in good faith is immune from civil liability.

12 (h) The commissioner may issue a temporary emergency medical
13 service personnel certificate to an applicant, with or without
14 examination of the applicant, when he or she finds that issuance to
15 be in the public interest. Unless suspended or revoked, a
16 temporary certificate shall be valid initially for a period not
17 exceeding one hundred twenty days and may not be renewed unless the
18 commissioner finds the renewal to be in the public interest.

NOTE: The purpose of this bill is to establish that no fee be charged for the certification or recertification of Emergency Medical Technician - Miner.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.