

COMMITTEE SUBSTITUTE

FOR

# **H. B. 2759**

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(BY DELEGATE(S) STAGGERS, PERRY, PHILLIPS, L.,  
PHILLIPS, R., TOMBLIN, STOWERS, ELDRIDGE,  
MOYE, POLING, M., MARCUM, WHITE)

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(Originating in the Committee on Finance)

[March 26, 2013]

A BILL to amend and reenact §16-4C-8 of the Code of West Virginia, 1931, as amended, relating generally to standards for emergency medical service personnel; providing minimum requirements for staffing ambulances with emergency services personnel; providing that an applicant for renewal of an emergency medical service personnel certificate who is nationally certified or who has had a state certification continuously for five years is not required to take

a skills exam; providing rulemaking authority for the Office of Emergency Services relating to certification and recertification of emergency services personnel; providing that no fees be charged to certify or recertify an Emergency Medical Technician - Miner.

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

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

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

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

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

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

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

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

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

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

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

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

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

54 medical services agency license, shall be acted upon by the  
55 commissioner and the certificate or license delivered or mailed,  
56 or a copy of any order of the commissioner denying ~~any such an~~  
57 application delivered or mailed to the applicant, within fifteen  
58 days after the date upon which the complete application  
59 including test scores and background checks, if applicable, was  
60 received by the commissioner.

61 (f) An applicant for renewal of an emergency medical  
62 service personnel certificate possessing a current National  
63 Registry certification at the appropriate level or that has  
64 continuously maintained a West Virginia certification for five  
65 consecutive years are not required to complete a state cognitive  
66 and skills examination provided the applicant meets all other  
67 requirements for renewal, as provided by legislative rule. An  
68 emergency medical service personnel whose West Virginia  
69 certification has lapsed for greater than six months may be  
70 required by the commissioner to complete a state cognitive and  
71 skills examination prior to renewal of their certificate.

72 (g) ~~Any~~ A person may report to the commissioner or the  
73 Director of the Office of Emergency Medical Services

74 information he or she may have that appears to show that a  
75 person certified by the commissioner may have violated the  
76 provisions of this article or legislative rules promulgated  
77 pursuant to this article. A person who is certified by the  
78 commissioner, who knows of or observes another person  
79 certified by the commissioner violating the provisions of this  
80 article or legislative rules promulgated pursuant to this article,  
81 has a duty to report the violation to the commissioner or director.  
82 Any person who reports or provides information in good faith is  
83 immune from civil liability.

84 (h) The commissioner may issue a temporary emergency  
85 medical service personnel certificate to an applicant, with or  
86 without examination of the applicant, when he or she finds that  
87 issuance to be in the public interest. Unless suspended or  
88 revoked, a temporary certificate shall be valid initially for a  
89 period not exceeding one hundred twenty days and may not be  
90 renewed unless the commissioner finds the renewal to be in the  
91 public interest.



