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**COMMITTEE SUBSTITUTE**

**FOR**

**H. B. 4312**

(By Delegates Staggers and Lawrence)

[Originating in the Committee on Government Organization.]

(February 18, 2014)

A BILL to amend the Code of West Virginia, 1931, by adding thereto a new section, designated §18-2-26B; and to amend and reenact §22A-10-1 of said code, all relating to certification of emergency medical technician-industrial personnel by the State Board of Education through education programs delivered by Regional Educational Service Agencies; transferring and redesignating emergency medical technician-miner; providing that emergency medical technician-industrial takes the place of emergency medical technician-miner; and defining the scope of practice for an emergency medical technician-industrial.

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

That the Code of West Virginia, 1931, be amended by adding thereto a new section, designated §18-2-26B; and that §22A-10-1 of said code be amended and reenacted, all to read as follows:

**CHAPTER 18. EDUCATION.**

**ARTICLE 2. STATE BOARD OF EDUCATION**

1 **§18-2-26b. Emergency Medical Technician-Industrial; Certification**  
2 **and Training; Scope.**

3 (a) Effective July 1, 2014, the certification for emergency  
4 medical technician-miner, issued by the Office of Emergency  
5 Services pursuant to article four c, chapter sixteen of this code,  
6 and legislative rules promulgated pursuant thereto shall be issued  
7 pursuant to this article by the State Board of Education through  
8 its regional educational service agencies.

9 (b) Effective July 1, 2014, the certification formerly known  
10 as emergency medical technician-miner shall be known as the  
11 emergency medical technician-industrial.

12 (c) Effective July 1, 2014, any emergency medical technician-  
13 miner certification shall remain valid until the original  
14 expiration date, and the certificate holder may seek  
15 recertification as an emergency medical technician-industrial under  
16 this section.

17 (d) Effective July 1, 2014, persons certified as an emergency  
18 medical technician-miner or emergency medical technician-industrial  
19 shall not be emergency medical service personnel as defined in  
20 subsection (g), section three, article four-c, chapter sixteen of  
21 this code and legislative rules promulgated pursuant to said  
22 article.

23 (e) Certification as an emergency medical technician-miner or  
24 emergency medical technician-industrial is valid for three years,  
25 only for practice during the certificate holder's active employment  
26 on industrial property. For the purposes of this section,

1 "industrial property" means property being used for production,  
2 extraction or manufacturing activities.

3 (f) Effective July 1, 2014, an applicant for certification as  
4 an emergency medical technician-industrial shall:

5 (1) Apply, on a form prescribed by the State Board of  
6 Education, to a regional educational service agency or other  
7 organization authorized by the State Board of Education which  
8 conducts an emergency medical technician-industrial education  
9 program;

10 (2) Be at least 18 years old;

11 (3) Possess a valid cardiopulmonary resuscitation, or CPR,  
12 certificate issued by the American Red Cross;

13 (4) Successfully complete an emergency medical technician-  
14 industrial education program prescribed by the the State Board of  
15 Education through its regional educational service agencies; and

16 (5) Successfully complete cognitive and skills examinations  
17 prescribed by the State Board of Education through its regional  
18 educational service agencies.

19 (g) For recertification as an emergency medical technician-  
20 industrial, a certificate holder shall:

21 (1) Apply, on a form prescribed by the State Board of  
22 Education, to a regional educational service agency or other  
23 organization authorized by the State Board of Education which  
24 conducts an emergency medical technician-industrial education  
25 program;

26 (2) Possess a valid CPR certification;

1           (3) Successfully complete one of the following:

2           (A) A one-time thirty-two hour emergency medical technician  
3 -industrial recertification course prescribed by the State Board of  
4 Education through its regional educational service agencies; or

5           (B) Three annual eight-hour retraining and testing programs  
6 prescribed by the State Board of Education through its regional  
7 educational service agencies; and

8           (4) Successfully complete emergency medical technician-  
9 industrial cognitive and skills recertification examinations  
10 prescribed by the State Board of Education through its regional  
11 educational service agencies.

12           (h) The State Board of Education shall propose legislative  
13 rules for promulgation, in accordance with the provisions of  
14 article three-b, chapter twenty-nine-a of this code, necessary to  
15 carry out the purposes of this section. The State Board of  
16 Education shall file the rule required by this subsection as an  
17 emergency rule on or before July 1, 2014.

18           **CHAPTER 22A. MINERS' HEALTH, SAFETY AND TRAINING.**

19           **ARTICLE 10. EMERGENCY MEDICAL PERSONNEL.**

20           **§22A-10-1. Emergency personnel in coal mines.**

21           (a) Emergency medical services personnel or, effective July 1,  
22 2014, emergency medical technicians-industrial, must be employed on  
23 each shift at every mine that:

24           (1) Employs more than ten employees; and

25           (2) Has more than eight persons present on the shift.

1           The emergency medical services personnel or emergency medical  
2 technicians-industrial must be employed at their regular duties at  
3 a central location or, when more than one person is required  
4 pursuant to the provisions of subsection (b) of this section, at a  
5 location which provides for convenient, quick response to  
6 emergency. The emergency medical services personnel or emergency  
7 medical technicians-industrial must have available to them at all  
8 times such equipment prescribed by the director of the office of  
9 miners' health, safety and training, in consultation with the  
10 ~~commissioner of the bureau of public health~~ governmental entity  
11 which certified the emergency medical services personnel or  
12 emergency medical technicians-industrial.

13           (b) After ~~the first day of July, two thousand,~~ July 1, 2014,  
14 emergency medical services personnel means any person certified by  
15 the commissioner of the bureau of public health or authorities  
16 recognized and approved by the commissioner to provide emergency  
17 medical services as authorized in article four-c, chapter sixteen  
18 of this code ~~and including emergency medical technician-mining and~~  
19 emergency medical technician-industry means any person certified as  
20 an emergency medical technician-industry under section twenty-six-  
21 b, article two, chapter eighteen of this code. At least one  
22 emergency medical services personnel or emergency medical  
23 technician-industrial shall be employed at a mine for every fifty  
24 employees or any part thereof who are engaged at any time, in the  
25 extraction, production or preparation of coal.

26           (c) A training course designed specifically for certification

1 of emergency medical ~~technician-mining,~~ technician-industry shall  
2 be developed at the earliest practicable time by ~~the commissioner~~  
3 ~~of the bureau of public health~~ the State Board of Education through  
4 its regional educational service agencies, in consultation with the  
5 board of miner training, education and certification. The training  
6 course for initial certification as an emergency medical  
7 ~~technician-mining~~ technician-industry shall not be less than sixty  
8 hours, which shall include, but is not limited to, basic life  
9 support skills and emergency room observation or other equivalent  
10 practical exposure to emergencies as prescribed by ~~the commissioner~~  
11 ~~of the bureau of public health.~~ the State Board of Education.

12 (d) The maintenance of a valid emergency medical  
13 ~~technician-mining~~ technician-industry certificate may be  
14 accomplished without taking a three-year recertification  
15 examination: *Provided,* That the emergency medical ~~technician-mining~~  
16 technician-industry ~~personnel~~ completes an eight-hour annual  
17 retraining and testing program prescribed by ~~the commissioner of~~  
18 ~~the bureau of public health~~ the State Board of Education,  
19 administered through its regional educational service agencies, in  
20 consultation with the board of miner training, education and  
21 certification.