

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 340**

4 (By Senator Snyder)

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6 [Originating in the Committee on Health and Human Resources;  
7 reported January 31, 2014.]

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11 A BILL to amend and reenact §16-4C-6 the Code of West Virginia,  
12 1931, as amended, relating to creating a certification for  
13 emergency medical technician-industrial; granting rule-making  
14 authority to the Commissioner of the Bureau for Public Health  
15 to establish the certification and recertification  
16 requirements; period of certification; restricting the  
17 practice of emergency medical technician-industrial; and  
18 clarifying that emergency medical technician-industrial takes  
19 the place of emergency medical technician-miner.

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

21 That §16-4C-6 of the Code of West Virginia, 1931, as amended,  
22 be amended and reenacted to read as follows:

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

24 **§16-4C-6. Powers and duties of commissioner.**

1 The commissioner has the following powers and duties:

2 (a) To propose rules for legislative approval in accordance  
3 with the provisions of article three, chapter twenty-nine-a of this  
4 code: *Provided*, That the rules have been submitted at least thirty  
5 days in advance for review by the Emergency Medical Services  
6 Advisory Council, who may act only in the presence of a quorum.

7 The rules may include:

8 (1) Standards and requirements for certification and  
9 recertification of emergency medical service personnel, including,  
10 but not limited to:

11 (A) Age, training, testing and continuing education;

12 (B) Procedures for certification and recertification, and for  
13 denying, suspending, revoking, reinstating and limiting a  
14 certification or recertification;

15 (C) Levels of certification and the scopes of practice for  
16 each level;

17 (D) Standards of conduct; and

18 (E) Causes for disciplinary action and sanctions which may be  
19 imposed.

20 (2) Standards and requirements for certification and  
21 recertification for emergency medical technician-industrial.

22 Commencing July 1, 2014, the certification for emergency medical  
23 technician-miner shall be known as a certification for emergency  
24 medical technician-industrial. The certification shall be valid

1 until the original expiration date at which time the certificate  
2 holder shall recertify as an emergency medical technician-  
3 industrial. The standards and requirements shall include:

4 (A) Age, training, testing and continuing education.

5 Continuing education shall include completion of a thirty-two hour  
6 emergency medical technician-industrial course prescribed by the  
7 Commissioner through Regional Educational Service Agencies and  
8 emergency medical technician-industrial recertification  
9 examinations prescribed by the Commissioner;

10 (B) Procedures for certification and recertification,  
11 including forms and a fee, and for denying, suspending, revoking,  
12 reinstating and limiting a certification or recertification;

13 (C) Levels of certification and the scopes of practice for  
14 each level, including limiting practice to industrial property.

15 For purposes of this section industrial property means property on  
16 which production, extraction or manufacturing is being performed;

17 (D) A valid CPR certification;

18 (E) Standards of conduct; and

19 (F) Causes for disciplinary action and sanctions which may be  
20 imposed.

21 ~~(2)~~ (3) Standards and requirements for licensure and licensure  
22 renewals of emergency medical service agencies, including:

23 (A) Operational standards, levels of service, personnel  
24 qualifications and training, communications, public access, records

1 management, reporting requirements, medical direction, quality  
2 assurance and review, and other requirements necessary for safe and  
3 efficient operation;

4 (B) Inspection standards and establishment of improvement  
5 periods to ensure maintenance of the standards;

6 (C) Fee schedules for licensure, renewal of licensure and  
7 other necessary costs;

8 (D) Procedures for denying, suspending, revoking, reinstating  
9 or limiting an agency licensure;

10 (E) Causes for disciplinary action against agencies; and

11 (F) Administrative penalties, fines and other disciplinary  
12 sanctions which may be imposed on agencies;

13 ~~(3)~~ (4) Standards and requirements for emergency medical  
14 service vehicles, including classifications and specifications;

15 ~~(4)~~ (5) Standards and requirements for training institutions,  
16 including approval or accreditation of sponsors of continuing  
17 education, course curricula and personnel;

18 ~~(5)~~ (6) Standards and requirements for a State Medical  
19 Direction System, including qualifications for a state emergency  
20 medical services medical director and regional medical directors,  
21 the establishment of a State Medical Policy and Care Committee and  
22 the designation of regional medical command centers;

23 ~~(6)~~ (7) Provision of services by emergency medical services  
24 personnel in hospital emergency rooms;

1       ~~(7)~~ (8) Authorization to temporarily suspend the certification  
2 of an individual emergency medical service provider prior to a  
3 hearing or notice if the commissioner finds there is probable cause  
4 that the conduct or continued service or practice of any individual  
5 certificate holder has or may create a danger to public health or  
6 safety: *Provided*, That the commissioner may rely on information  
7 received from a physician that serves as a medical director in  
8 finding that probable cause exists to temporarily suspend the  
9 certification; and

10       ~~(8)~~ (9) Any other rules necessary to carry out the provisions  
11 of this article.

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

16       (c) To design, develop and review a Statewide Emergency  
17 Medical Services Implementation Plan. The plan shall recommend aid  
18 and assistance and all other acts necessary to carry out the  
19 purposes of this article:

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

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

1 (d) To provide professional and technical assistance and to  
2 make information available to regional emergency medical services  
3 boards of directors and other potential applicants or program  
4 sponsors of emergency medical services for purposes of developing  
5 and maintaining a statewide system of services.

6 (e) To assist local government agencies, regional emergency  
7 medical services boards of directors and other public or private  
8 entities in obtaining federal, state or other available funds and  
9 services.

10 (f) To cooperate and work with federal, state and local  
11 governmental agencies, private organizations and other entities as  
12 may be necessary to carry out the purposes of this article.

13 (g) To acquire in the name of the state by grant, purchase,  
14 gift, devise or any other methods appropriate real and personal  
15 property as may be reasonable and necessary to carry out the  
16 purposes of this article.

17 (h) To make grants and allocations of funds and property so  
18 acquired or which may have been appropriated to the agency to other  
19 agencies of state and local government as may be appropriate to  
20 carry out the purposes of this article.

21 (i) To expend and distribute by grant or bailment funds and  
22 property to all state and local agencies for the purpose of  
23 performing the duties and responsibilities of the agency all funds  
24 which it may have so acquired or which may have been appropriated

1 by the Legislature of this state.

2       (j) To develop a program to inform the public concerning  
3 emergency medical services.

4       (k) To review and disseminate information regarding federal  
5 grant assistance relating to emergency medical services.

6       (l) To prepare and submit to the Governor and Legislature  
7 recommendations for legislation in the area of emergency medical  
8 services.

9       (m) To review, make recommendations for and assist in all  
10 projects and programs that provide for emergency medical services  
11 whether or not the projects or programs are funded through the  
12 Office of Emergency Medical Services. A review and approval shall  
13 be required for all emergency medical services projects, programs  
14 or services for which application is made to receive state or  
15 federal funds for their operation after the effective date of this  
16 act; and

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