

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4156

BY DELEGATES JENNINGS AND FOSTER

[Introduced January 14, 2020; Referred to the
Committee on Fire Departments and Emergency
Medical Services then Finance]

1 A BILL to amend and reenact §16-4C-8 of the Code of West Virginia, 1931, as amended, relating
2 to reducing the recertification fee for emergency medical services personnel.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4C. EMERGENCY MEDICAL SERVICES ACT.

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

1 (a) Every ambulance operated by an emergency medical services agency shall carry at
2 least two personnel. At least one person shall be certified in cardiopulmonary resuscitation or first
3 aid and the person in the patient compartment shall be certified as an emergency medical
4 technician-basic at a minimum except that in the case of a specialized multipatient medical
5 transport, only one staff person is required and that person shall be certified, at a minimum, at the
6 level of an emergency medical technician-basic. The requirements of this subsection ~~will~~ shall
7 remain in effect until revised by the legislative rule to be promulgated pursuant to §16-4C-8(b) of
8 this code.

9 (b) On or before May 28, 2010, the commissioner shall submit a proposed legislative rule
10 to the Emergency Medical Services Advisory Council for review, and on or before June 30, 2010,
11 shall file the proposed legislative rule with the Office of the Secretary of State, in accordance with
12 the provisions of §29A-3-1 *et seq.* of this code, to establish certification standards for emergency
13 medical vehicle operators and to revise the requirements for emergency medical services
14 personnel.

15 (c) As of the effective date of the legislative rule to be promulgated pursuant to §16-4C-
16 8(b), emergency medical services personnel who operate ambulances shall meet the
17 requirements set forth in the legislative rule.

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

22 (e) The applicant shall submit to a national criminal background check, the requirement of
23 which is declared to be not against public policy.

24 (1) The applicant shall meet all requirements necessary to accomplish the national
25 criminal background check, including submitting fingerprints, and authorizing the West Virginia
26 Office of Emergency Medical Services, the West Virginia State Police, and the Federal Bureau of
27 Investigation to use all records submitted and produced for the purpose of screening the applicant
28 for certification.

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

31 (3) The applicant shall submit a fee of \$75 for initial certification and a fee of ~~\$50~~ \$15 for
32 recertification. ~~The fees set forth in this subsection remain in effect until modified by legislative~~
33 ~~rule~~

34 (f) An application for an original, renewal, or temporary emergency medical service
35 personnel certificate or emergency medical services agency license, shall be acted upon by the
36 commissioner and the certificate or license delivered or mailed, or a copy of any order of the
37 commissioner denying any such application delivered or mailed to the applicant, within 15 days
38 after the date upon which the complete application including test scores and background checks,
39 if applicable, was received by the commissioner.

40 (g) Any person may report to the commissioner or the Director of the Office of Emergency
41 Medical Services information he or she may have that appears to show that a person certified by
42 the commissioner may have violated the provisions of this article or legislative rules promulgated
43 pursuant to this article. A person who is certified by the commissioner, who knows of or observes
44 another person certified by the commissioner violating the provisions of this article or legislative
45 rules promulgated pursuant to this article, has a duty to report the violation to the commissioner
46 or director. Any person who reports or provides information in good faith is immune from civil
47 liability.

48 (h) The commissioner may issue a temporary emergency medical services personnel
49 certificate to an applicant, with or without examination of the applicant, when he or she finds that
50 issuance to be in the public interest. Unless suspended or revoked, a temporary certificate shall
51 be valid initially for a period not exceeding 120 and may not be renewed unless the commissioner
52 finds the renewal to be in the public interest.

53 (i) For purposes of certification or recertification of emergency medical services personnel,
54 the commissioner shall recognize and give full credit for all continuing education credits that have
55 been approved or recognized by any state or nationally recognized accrediting body.

NOTE: The purpose of this bill is to reduce the recertification fee for emergency medical services personnel from \$50 to \$15.

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