

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

ENROLLED

House Bill 4655

BY DELEGATES HOWELL, HOTT, SUMMERS, MAYNARD, C.

MARTIN, JENNINGS, STAGGERS, ANGELUCCI, ELLINGTON,

HAMRICK AND FAST

[Passed March 5, 2020; in effect ninety days from
passage.]

1 AN ACT to amend and reenact §16-4C-8 of the Code of West Virginia, 1931, as amended, relating
2 to automatic certification as an emergency medical technician-paramedic or emergency
3 medical technician-basic upon application; providing that an applicant may have
4 previously served in any branch of the United States military, National Guard, Coast
5 Guard, or the Reserve Components of the Armed Services; providing that an applicant
6 must have been honorably discharged within two years of application; providing for similar
7 military job titles that bear a rational nexus to the training and education required by the
8 commissioner to be certified as a paramedic or emergency medical technician; providing
9 that the commissioner must issue a license upon review of the application; and providing
10 that if an individual permits a certification to expire the commissioner may require
11 examination as a condition of recertification.

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 multi-patient 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 remain
7 in effect until revised by the legislative rule to be promulgated pursuant to §16-4C-8(b) of this
8 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 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 days and may not be renewed unless the
52 commissioner 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.

56 (j) Notwithstanding any other provision of code or rule, the commissioner recognizes that
57 military personnel, National Guardsmen, members of the United States Coast Guard, and
58 members of the Reserve Components of the Armed Services have advanced skills and training
59 necessary to meet the requirements of this section to be certified as an emergency medical
60 technician-paramedic upon application. Any person may seek automatic certification as an
61 emergency medical technician-paramedic in this state if he or she has:

62 (1) Been honorably discharged from any branch of the United States military;

63 (2) Received paramedic or similar life-saving medical training in positions including, but
64 not limited to, United States Army Combat Medic, United States Air Force Pararescue, United
65 States Air Force Combat Rescue Officer, United States Navy Hospital Corpsman – Advanced
66 Technical Field, United States Coast Guard Health Services Technician, National Guard Health
67 Care Specialist, the Reserve Components of any of the preceding positions, or can otherwise
68 demonstrate that his or her occupation in the military received substantially similar training to be
69 certified as required by the commissioner; and

70 (3) Received an honorable discharge within two years of the application date.

71 (k) Notwithstanding any other provision of code or rule, the commissioner recognizes that
72 military personnel, National Guardsmen, members of the United States Coast Guard, and
73 members of the Reserve Components of the Armed Services have advanced skills and training
74 necessary to meet the requirements of this section to be certified as an emergency medical
75 technician-basic upon application. Any person may seek automatic certification as an emergency
76 medical technician-basic in this state if he or she has:

77 (1) Been honorably discharged from any branch in the United States military;

78 (2) Received emergency medical technician training or similar life-saving medical training
79 in positions including, but not limited to, United States Army Infantryman, United States Air Force
80 Security Forces, United States Navy Hospital Corpsman, United States Coast Guard Aviation
81 Survival Technician, United States Marines Infantryman, National Guard Infantryman, and
82 Reserve Components of any of the preceding positions, or can otherwise demonstrate that his or
83 her occupation in the military received substantially similar training to be certified as required by
84 the commissioner; and

85 (3) Received an honorable discharge within two years of the application date.

86 (l) Upon reviewing an application for certification pursuant to subsection (j) and subsection
87 (k) of this section, the commissioner shall issue an appropriate certificate to the individual applying
88 for certification as an emergency medical technician-paramedic or emergency medical technician-

89 basic without further examination or education. If an individual certified pursuant to this section
90 permits his or her certification to expire, the commissioner may require examination as a condition
91 of recertification.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

The within this the.....
day of, 2020.

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Governor