

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

Senate Bill 252

FISCAL
NOTE

BY SENATORS BALDWIN, LINDSAY, STOLLINGS, ROMANO,

AND FACEMIRE

[Introduced January 10, 2020; referred
to the Committee on Government Organization; and
then to the Committee on Finance]

1 A BILL to amend and reenact §16-4C-3 and §16-4C-5 of the Code of West Virginia, 1931, as
 2 amended; and to amend said code by adding thereto a new section, designated §16-4C-
 3 24, all relating to creating the Emergency Medical Services Personnel Loan Forgiveness
 4 Program; permitting emergency service personnel to have certain portions of their
 5 educational loans forgiven; granting the Emergency Medical Service Advisory Council the
 6 authority to approve loan forgiveness awards; establishing application criteria;
 7 establishing the amounts of awards; establishing requirements for the certification of
 8 personnel status; defining terms; and creating a special revenue account known as the
 9 Emergency Medical Services Personnel Loan Forgiveness Program Fund.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4C. EMERGENCY MEDICAL SERVICES ACT.

§16-4C-3. Definitions.

1 As used in this article, unless the context clearly requires a different meaning:

2 ~~(a)~~ “Ambulance” means any privately or publicly-owned vehicle or aircraft which is
 3 designed, constructed or modified; equipped or maintained; and operated for the transportation
 4 of patients, including, but not limited to, emergency medical services vehicles; rotary and fixed
 5 wing air ambulances; gsa kkk-A-1822 federal standard type I, type II, and type III vehicles; and
 6 specialized multipatient medical transport vehicles operated by an emergency medical services
 7 agency;

8 “Approved institution of higher learning” means a degree-granting or certificate-granting
 9 educational institution, including a vocational school, that:

10 (1) Offers a postsecondary program of education;

11 (2) Is located in this state; and

12 (3) Is approved by the council.

13 “Approved program of education” means a curriculum or course of study pursued at an
 14 approved institution of higher learning as determined by the council.

- 15 ~~(b)~~ “Commissioner” means the Commissioner of the Bureau for Public Health;
- 16 ~~(c)~~ “Council” means the Emergency Medical Service Advisory Council created pursuant
17 to this article;
- 18 ~~(d)~~ “Director” means the Director of the Office of Emergency Medical Service in the Bureau
19 for Public Health.
- 20 ~~(e)~~ “Emergency Medical Services” means all services which are set forth in Public Law
21 93-154 “The Emergency Medical Services Systems Act of 1973” and those included in and made
22 a part of the emergency medical services plan of the Department of Health and Human Resources
23 inclusive of, but not limited to, responding to the medical needs of an individual to prevent the loss
24 of life or aggravation of illness or injury;
- 25 ~~(f)~~ “Emergency medical service agency” means any agency licensed under §16-4C-6a of
26 this code to provide emergency medical services;
- 27 ~~(g)~~ “Emergency medical service personnel” means any person certified by the
28 commissioner to provide emergency medical services as set forth by legislative rule;
- 29 ~~(h)~~ “Emergency medical service provider” means any authority, person, corporation,
30 partnership or other entity, public or private, which owns or operates a licensed emergency
31 medical services agency providing emergency medical service in this state;
- 32 ~~(i)~~ “Governing body” has the meanings ascribed to it as applied to a municipality in §8-1-
33 2(b)(1) of this code;
- 34 ~~(j)~~ “Line officer” means the emergency medical service personnel, present at the scene of
35 an accident, injury or illness, who has taken the responsibility for patient care;
- 36 ~~(k)~~ “Medical command” means the issuing of orders by a physician from a medical facility
37 to emergency medical service personnel for the purpose of providing appropriate patient care;
- 38 ~~(l)~~ “Municipality” has the meaning ascribed to it in §8-1-2(a)(1) of this code;
- 39 ~~(m)~~ “Patient” means any person who is a recipient of the services provided by emergency
40 medical services;

41 “Program” means the Emergency Medical Services Loan Forgiveness Program
 42 established in §16-4C-24 of this code.

43 “Qualified applicant” means active EMS personnel who qualifies for loan forgiveness
 44 under §16-4C-24 of this code.

45 ~~(n)~~ “Service reciprocity” means the provision of emergency medical services to citizens of
 46 this state by emergency medical service personnel certified to render those services by a
 47 neighboring state;

48 ~~(o)~~ “Small emergency medical service provider” means any emergency medical service
 49 provider which is made up of less than 20 emergency medical service personnel; and

50 ~~(p)~~ “Specialized multipatient medical transport” means a type of ambulance transport
 51 provided for patients with medical needs greater than those of the average population, which may
 52 require the presence of a trained emergency medical technician during the transport of the patient:
 53 *Provided, That the requirement of “greater medical need” may not prohibit the transportation of a*
 54 *patient whose need is preventive in nature.*

**§16-4C-5. Emergency Medical Services Advisory Council; duties; composition;
 appointment; meetings; compensation and expenses.**

1 (a) The Emergency Medical Services Advisory Council, created and established by former
 2 §16-4C-7 of this code, is continued for the purpose of developing, with the commissioner,
 3 standards for emergency medical services personnel and for the purpose of providing advice to
 4 the Office of Emergency Medical Services and the commissioner with respect to reviewing and
 5 making recommendations for, and providing assistance to, the establishment and maintenance
 6 of adequate emergency medical services for all portions of this state.

7 (b) The council shall have the duty to: ~~advise~~

8 (1) Advise the commissioner in all matters pertaining to his or her duties and functions in
 9 relation to carrying out the purposes of this article; and

10 (2) Approve loan forgiveness awards for qualified applicants to the Emergency Medical

11 Services Loan Forgiveness Program established by §16-4C-24 of this code.

12 (c) The council shall be composed of 18 members appointed by the Governor by and with
13 the advice and consent of the Senate. The Mountain State Emergency Medical Services
14 Association shall submit to the Governor a list of six names of representatives from its Association
15 and a list of three names shall be submitted to the Governor of representatives of their respective
16 organizations by the County Commissioners' Association of West Virginia, the West Virginia State
17 Firemen's Association, the West Virginia Hospital Association, the West Virginia Chapter of the
18 American College of Emergency Physicians, the West Virginia Emergency Medical Services
19 Administrators Association, the West Virginia Emergency Medical Services Coalition, the
20 Ambulance Association of West Virginia, and the State Department of Education. The Governor
21 shall appoint from the respective lists submitted two persons who represent the Mountain State
22 Emergency Medical Services Association, one of whom shall be a paramedic and one of whom
23 shall be an emergency medical technician-basic; and one person from the County
24 Commissioners' Association of West Virginia, the West Virginia State Firemen's Association, the
25 West Virginia Hospital Association, the West Virginia Chapter of the American College of
26 Emergency Physicians, the West Virginia Emergency Medical Services Administrators
27 Association, the West Virginia Emergency Medical Services Coalition, the Ambulance Association
28 of West Virginia, and the state Department of Education. In addition, the Governor shall appoint
29 the following:

30 (1) One person to represent emergency medical services providers operating within the
31 state;

32 (2) One person to represent small emergency medical services providers operating within
33 this state;

34 (3) One person to represent emergency medical services training officers or
35 representatives;

36 (4) Two people to represent emergency medical services supervisors or administrators;

37 and

38 (5) Three persons to represent the general public who shall serve as voting members.

39 (d) Not more than six of the members may be appointed from any one congressional
40 district.

41 (e) Each term is to be for three years, and no member may serve more than four
42 consecutive terms.

43 (f) The council shall choose its own chairman and meet at the call of the commissioner at
44 least twice a year.

45 (g) The members of the council shall receive compensation and expense reimbursement
46 in an amount not to exceed the same compensation and expense reimbursement as is paid to
47 members of the Legislature for their interim duties as recommended by the Citizens Legislative
48 Compensation Commission and authorized by law for each day, or substantial portion thereof,
49 engaged in the performance of official duties.

§16-4C-24. Emergency Medical Services Personnel Loan Forgiveness Program.

1 (a) Program established. -- The Emergency Medical Services Personnel Loan
2 Forgiveness Program is established. The program shall provide loan forgiveness awards to
3 qualified applicants in accordance with this section. The director shall administer the program for
4 active EMS personnel on a statewide basis.

5 (b) Applicants. -- An active EMS personnel must meet the following criteria may apply to
6 the director for loan forgiveness under this section:

7 (1) Is a resident of this state;

8 (2) Has been an active EMS personnel, as certified in accordance with this article for a
9 period of at least one year in this state;

10 (3) Has enrolled as a student in an approved program of education and completed a
11 postsecondary degree or certification program; and

12 (4) Provides the director with a sworn or official statement by the official representative of

13 an emergency medical services agency attesting that the applicant is a member in good standing
14 of the emergency medical services agency.

15 (c) Award of loan forgiveness. -- The council may provide loan forgiveness for an active
16 EMS personnel who, in the first year as an active EMS personnel following completion of a
17 postsecondary degree or certification program and, in each subsequent year, who meets all of
18 the following criteria:

19 (1) Is a recipient of a federally insured student loan;

20 (2) Has completed a certificate or degree program at an approved institution of higher
21 learning. The certificate or degree program must be an approved program of education;

22 (3) Is certified as an active EMS personnel, by the office of emergency medical services,
23 for four consecutive years preceding the date of application; and

24 (4) Executes a sworn affidavit, under penalty of perjury, that the individual does not have
25 a delinquent payment owing to any state governmental agency.

26 (d) Amount of awards. -- Federally insured student loans for an approved program of
27 education provided to a qualified applicant may be forgiven by the council as follows:

28 (1) The council may award a qualified applicant's loan in an amount up to \$16,000.

29 (2) Payment of the award shall be made in accordance with the procedures established
30 by the council.

31 (3) A qualified applicant may receive loan forgiveness awards as follows:

32 (A) First year of active EMS personnel status following graduation in an amount up to
33 \$4,000, but not exceeding 25 percent of the original qualifying loans.

34 (B) Second year of active EMS personnel status following graduation in an amount up to
35 \$4,000, but not exceeding 25 percent of the original qualifying loans.

36 (C) Third year of active EMS personnel status following graduation in an amount up to
37 \$8,000, but not exceeding 50 percent of the original qualifying loans.

38 (e) Preference. -- The council may give preference in approving loan forgiveness awards

39 under the program to renewal applications.

40 (f) Funding. -- The council may approve loan forgiveness awards only to the extent that
41 funds are appropriated by the Legislature and are sufficient to cover administration of the
42 program. In the event that funding is insufficient to fully fund administration and awards to all
43 qualified applicants, the council shall prorate loan forgiveness awards.

44 (g) Certification of personnel status. --

45 (1) Application. -- An applicant for certification as an active EMS personnel must submit a
46 signed application to the official representative of an emergency medical services agency that the
47 applicant serves.

48 (2) Local sign-off. -- The official representative of an emergency medical services agency,
49 shall:

50 (A) Sign the application attesting to the individual's status as an active EMS personnel;

51 and

52 (B) Forward the application to the director for final review and processing.

53 (h) Fund. -- There is created in the State Treasury a special revenue account known as
54 the "Emergency Medical Services Personnel Loan Forgiveness Program Fund" to be
55 administered by the commissioner to implement the provisions of this section. Balances remaining
56 in the fund at the end of the fiscal year do not expire or revert to the general revenue. All costs
57 associated with the administration of this section shall be paid from the Emergency Medical
58 Services Personnel Loan Forgiveness Program Fund under the direction of the director.
59 Administrative costs are to be minimized and the maximum amount feasible is to be used to fund
60 awards for students in emergency medical services programs.

NOTE: The purpose of this bill is to create the Emergency Medical Services Personnel Loan Forgiveness Program. The bill permitting emergency service personnel to have certain portions of their educational loans to be forgiven. The bill granting the Emergency Medical Service Advisory Council the authority to approve loan forgiveness awards. The bill establishes application criteria. The bill establishes the amounts of awards. The bill

establishes requirements for the certification of personnel status. The bill defines terms. The bill creates a special revenue account known as the “Emergency Medical Services Personnel Loan Forgiveness Program Fund.”

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