

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 4732

FISCAL
NOTE

By Delegate Ross

[Introduced January 15, 2024; Referred
to the Committee on Fire Departments and Medical
Services then Government Organization]

1 A BILL to amend and reenact §16-4C-8 of the Code of West Virginia, 1931, as amended, relating
 2 to removing the requirement for emergency medical technicians ("EMTs") to be nationally
 3 certified.

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 in
 7 effect until revised by the legislative rule to be promulgated pursuant to §16-4C-8(b) of this code.
 8 While emergency medical technicians ("EMTs") may obtain National Registry of Emergency
 9 Medical Services ("NREMT") Certification, this certification is not a requirement to operate as an
 10 EMT in this state.

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

17 (c) As of the effective date of the legislative rule to be promulgated pursuant to §16-4C-
 18 8(b), emergency medical services personnel who operate ambulances shall meet the
 19 requirements set forth in the legislative rule.

20 (d) Any person desiring emergency medical services personnel certification shall apply to

21 the commissioner using forms and procedures prescribed by the commissioner. Upon receipt of
22 the application, the commissioner shall determine whether the applicant meets the certification
23 requirements and may examine the applicant if necessary to make that determination.

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

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

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

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

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

42 (g) Any person may report to the commissioner or the Director of the Office of Emergency
43 Medical Services information he or she may have that appears to show that a person certified by
44 the commissioner may have violated the provisions of this article or legislative rules promulgated
45 pursuant to this article. A person who is certified by the commissioner, who knows of or observes
46 another person certified by the commissioner violating the provisions of this article or legislative

47 rules promulgated pursuant to this article, has a duty to report the violation to the commissioner or
48 director. Any person who reports or provides information in good faith is immune from civil liability.

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

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

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

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

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

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

72 (k) Notwithstanding any other provision of code or rule, the commissioner recognizes that

73 military personnel, National Guardsmen, members of the United States Coast Guard, and
74 members of the Reserve Components of the Armed Services have advanced skills and training
75 necessary to meet the requirements of this section to be certified as an emergency medical
76 technician-basic upon application. Any person may seek automatic certification as an emergency
77 medical technician-basic in this state if he or she has:

- 78 (1) Been honorably discharged from any branch in the United States military;
- 79 (2) Received emergency medical technician training or similar life-saving medical training
80 in positions including, but not limited to, United States Army Infantryman, United States Air Force
81 Security Forces, United States Navy Hospital Corpsman, United States Coast Guard Aviation
82 Survival Technician, United States Marines Infantryman, National Guard Infantryman, and
83 Reserve Components of any of the preceding positions, or can otherwise demonstrate that his or
84 her occupation in the military received substantially similar training to be certified as required by
85 the commissioner; and
- 86 (3) Received an honorable discharge within two years of the application date.

87 (l) Upon reviewing an application for certification pursuant to subsection (j) and subsection
88 (k) of this section, the commissioner shall issue an appropriate certificate to the individual applying
89 for certification as an emergency medical technician-paramedic or emergency medical technician-
90 basic without further examination or education. If an individual certified pursuant to this section
91 permits his or her certification to expire, the commissioner may require examination as a condition
92 of recertification.

NOTE: The purpose of this bill is to remove the requirement for emergency medical technicians ("EMTs") to be nationally certified.

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