

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **House Bill 5204**

By Delegates Mallow, Jennings, DeVault, Heckert,

Adkins, Young and Summers

[Introduced January 25, 2024; Referred to the  
Committee on Fire Departments and Emergency

Medical Services then Finance]

1 A BILL to amend and reenact §16-4C-6 of the Code of West Virginia, 1931, as amended, relating  
 2 to powers and duties of the Commissioner of the Bureau for Public Health; and requiring  
 3 the commissioner to develop a program to reimburse emergency medical services for  
 4 transport and treatment in place.

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

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

**§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 with the provisions of §29A-3-1  
 3 et seq. of this code: Provided, That the rules have been submitted at least 30 days in advance for  
 4 review by the Emergency Medical Services Advisory Council, who may act only in the presence of  
 5 a quorum. The rules may include:

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

- 8 (A) Age, training, testing, and continuing education;
- 9 (B) Procedures for certification and recertification, and for denying, suspending, revoking,  
 10 reinstating, and limiting a certification or recertification;
- 11 (C) Levels of certification and the scopes of practice for each level;
- 12 (D) Standards of conduct; and
- 13 (E) Causes for disciplinary action and sanctions which may be imposed.

14 (2) Standards and requirements for licensure and licensure renewals of emergency  
 15 medical service agencies, including:

- 16 (A) Operational standards, levels of service, personnel qualifications and training,  
 17 communications, public access, records management, reporting requirements, medical direction,  
 18 quality assurance and review, and other requirements necessary for safe and efficient operation;

19 (B) Inspection standards and establishment of improvement periods to ensure  
20 maintenance of the standards;

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

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

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

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

27 (3) Standards and requirements for emergency medical services vehicles, including  
28 classifications and specifications;

29 (4) Standards and requirements for training institutions, including approval or accreditation  
30 of sponsors of continuing education, course curricula, and personnel;

31 (5) Standards and requirements for a State Medical Direction System, including  
32 qualifications for a state emergency medical services medical director and regional medical  
33 directors, the establishment of a State Medical Policy and Care Committee, and the designation of  
34 regional medical command centers;

35 (6) Provision of services by emergency medical services personnel in hospital emergency  
36 rooms;

37 (7) Authorization to temporarily suspend the certification of an individual emergency  
38 medical services provider prior to a hearing or notice if the commissioner finds there is probable  
39 cause that the conduct or continued service or practice of any individual certificate holder has or  
40 may create a danger to public health or safety: Provided, That the commissioner may rely on  
41 information received from a physician that serves as a medical director in finding that probable  
42 cause exists to temporarily suspend the certification; and

43 (8) Any other rules necessary to carry out the provisions of this article;

44 (b) To apply for, receive, and expend advances, grants, contributions, and other forms of  
45 assistance from the state or federal government or from any private or public agencies or  
46 foundations to carry out the provisions of this article;

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

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

52 (2) To develop a system for monitoring and evaluating emergency medical services  
53 programs throughout the state;

54 (d) To provide professional and technical assistance and to make information available to  
55 regional emergency medical services boards of directors and other potential applicants or  
56 program sponsors of emergency medical services for purposes of developing and maintaining a  
57 statewide system of services;

58 (e) To assist local government agencies, regional emergency medical services boards of  
59 directors, and other public or private entities in obtaining federal, state, or other available funds  
60 and services;

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

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

66 (h) To make grants and allocations of funds and property so acquired or which may have  
67 been appropriated to the agency to other agencies of state and local government as may be  
68 appropriate to carry out the purposes of this article;

69 (i) To expend and distribute by grant or bailment funds and property to all state and local  
70 agencies for the purpose of performing the duties and responsibilities of the agency all funds  
71 which it may have so acquired or which may have been appropriated by the Legislature of this  
72 state;

73 (j) To develop a program to inform the public concerning emergency medical services;

74 (k) To review and disseminate information regarding federal grant assistance relating to  
75 emergency medical services;

76 (l) To prepare and submit to the Governor and Legislature recommendations for legislation  
77 in the area of emergency medical services;

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

83 (n) To cooperate with the Department of Administration, Purchasing Division to establish  
84 one or more statewide contracts for equipment and supplies utilized by emergency medical  
85 services agencies in accordance with §5A-3-1 et seq. of this code:

86 (1) Any statewide contract established hereunder shall be made available to any  
87 emergency medical services agency licensed under §16-4C-6a of this code that is designated to  
88 provide emergency response by one or more county emergency dispatch centers.

89 (2) The office may develop uniform standards for equipment and supplies used by  
90 emergency medical services agencies in accordance with §5A-3-1 et seq. of this code.

91 (3) The office shall propose legislative rules for promulgation in accordance with §29A-3-1  
92 et seq. of this code to effectuate the provisions of this subsection; ~~and~~

93 (o) Notwithstanding any other provision of this article or code to the contrary, the  
94 commissioner shall develop an equitable program to reimburse emergency medical services for

95 transport and treatment in place, with any increased costs or expenditures to emergency medical  
96 services units that result from the implementation of this subsection to be funded by the  
97 Commissioner of the Bureau for Public Health; and  
98 ~~(e)~~(p) To take all necessary and appropriate action to encourage and foster the  
99 cooperation of all emergency medical service providers and facilities within this state.

NOTE: The purpose of this bill is to require the Commissioner of the Bureau for Public Health to develop a program to reimburse emergency medical services for transport and treatment in place.

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