

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4599

FISCAL
NOTE

BY DELEGATE RILEY

[Introduced February 09, 2022; Referred to the
Committee on Government Organization]

1 A BILL to amend and reenact §16-4C-5 of the Code of West Virginia, 1931, as amended, relating
2 to reducing the composition, and modifying the membership of the Emergency Medical
3 Services Advisory Council to provide for 12 members appointed by the Governor with
4 advice and consent of the Senate, to provide for ex-officio, nonvoting membership by the
5 Secretary of the Department of Health and Human Resources or his or her designee;
6 providing for staggered terms, setting term limits, and establishing an effective date of July
7 1, 2022.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4C. EMERGENCY MEDICAL SERVICES ACT.

§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 until June 30, 2022. Effective July 1, 2022, the Emergency
3 Medical Services Advisory Council is reestablished for the purpose of developing, with the
4 commissioner, standards for emergency medical services personnel and for the purpose of
5 providing advice to the Office of Emergency Medical Services and the commissioner with respect
6 to reviewing and making recommendations for, and providing assistance to, the establishment
7 and maintenance of adequate emergency medical services for all portions of this state.

8 (b) The council shall advise the commissioner in all matters pertaining to his or her duties
9 and functions in relation to carrying out the purposes of this article.

10 (c) The council shall review any rule proposed by the commissioner for legislative approval
11 as provided for in §16-4C-6(a) of this code. After reviewing the legislative rule, the Emergency
12 Medical Services Advisory Council shall provide a recommendation to the Legislative Rule-
13 Making Review Committee that the Legislature:

- 14 (1) Authorize the promulgation of the legislative rule;
15 (2) Authorize the promulgation of part of the legislative rule;

16 (3) Authorize the promulgation of the legislative rule with certain amendments;

17 (4) Recommend that the proposed rule be withdrawn; or

18 (5) Reject the proposed rule.

19 (d) ~~The Effective July 1, 2022, the council shall be composed of 48 the following 12 voting~~

20 ~~members appointed by the Governor by and with the advice and consent of the Senate: The~~

21 ~~Mountain State Emergency Medical Services Association shall submit to the Governor a list of six~~

22 ~~names of representatives from its association and a list of three names shall be submitted to the~~

23 ~~Governor of representatives of their respective organizations by the County Commissioners'~~

24 ~~Association of West Virginia, the West Virginia State Firemen's Association, the West Virginia~~

25 ~~Hospital Association, the West Virginia Chapter of the American College of Emergency~~

26 ~~Physicians, the West Virginia Emergency Medical Services Administrators Association, the West~~

27 ~~Virginia Emergency Medical Services Coalition, the Ambulance Association of West Virginia, and~~

28 ~~the State Department of Education. The Governor shall appoint, from the respective lists~~

29 ~~submitted, two persons who represent the Mountain State Emergency Medical Services~~

30 ~~Association, one of whom shall be a paramedic and one of whom shall be an emergency medical~~

31 ~~technician-basic; and one person from the County Commissioners' Association of West Virginia,~~

32 ~~the West Virginia State Firemen's Association, the West Virginia Hospital Association, the West~~

33 ~~Virginia Chapter of the American College of Emergency Physicians, the West Virginia Emergency~~

34 ~~Medical Services Administrators Association, the West Virginia Emergency Medical Services~~

35 ~~Coalition, the Ambulance Association of West Virginia, and the State Department of Education.~~

36 ~~In addition, the Governor shall appoint the following:~~

37 ~~(1) One person to represent emergency medical services providers operating within the~~

38 ~~state;~~

39 ~~(2) One person to represent small emergency medical services providers operating within~~

40 ~~this state;~~

41 ~~(3) One person to represent emergency medical services training officers or~~

42 representatives;

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

44 and

45 ~~(5) Three people to represent the general public who serve as voting members~~

46 (1) Six persons representing the West Virginia Emergency Medical Services Coalition that

47 meet the following individual criteria:

48 (A) One paramedic or emergency medical technician-basic;

49 (B) One firefighter affiliated with an agency who regularly participates in EMS transport

50 operations;

51 (C) One critical care transport provider;

52 (D) One squad training officer; and

53 (E) Two emergency medical services administrators with at least one administrator

54 representing a county ambulance agency supported by a county commission or local government

55 levying body.

56 (2) The West Virginia Emergency Medical Services Coalition shall submit to the Governor

57 a list of no less than 10 and no more than 12 names of persons who meet the criteria for

58 appointment pursuant to this subdivision. The Governor shall appoint the six members from the

59 list submitted who shall represent the West Virginia Emergency Medical Services Coalition on the

60 council. The criteria identified in this subsection shall have the same meanings provided for by

61 the Office of Emergency Medical Services in §16-4C-1 et seq. of this code:

62 (A) One person representing the West Virginia Chapter of the American College of

63 Emergency Physicians;

64 (B) One person representing the West Virginia Hospital Association;

65 (C) One person representing the West Virginia Department of Education with experience

66 in emergency medical services training programs;

67 (D) One person representing the Council for Community and Technical College Education

68 with experience in emergency medical services training programs; and

69 (E) One paramedic or emergency medical technician-basic from a volunteer agency;

70 (F) One public member who is not certified or licensed under the provisions of this article

71 and does not perform any services related to emergency medical services.

72 (e) Additionally, the Secretary of the Department of Health and Human Resources, or his

73 or her designee, shall serve as an ex-officio, nonvoting member.

74 ~~(e)(f)~~ Not more than six of the members may be appointed from any one congressional
75 district. Each member must be a resident of this state during the appointment term.

76 ~~(f)(g)~~ Each term is to Of the twelve voting members appointed by the Governor, four
77 members shall be appointed for an initial term of one year, four members shall be appointed for
78 a term of two years, and four members shall be appointed for a term of three years. Following
79 completion of these initial terms, terms of members shall be for three years, and no member may
80 serve more than four two consecutive terms.

81 ~~(g)(h)~~ The council shall choose its own chairperson and meet at the call of the
82 commissioner at least twice a year.

83 ~~(h)(i)~~ The members of the council shall receive compensation and expense reimbursement
84 in an amount not to exceed the same compensation and expense reimbursement as is paid to
85 members of the Legislature for their interim duties as recommended by the Citizens Legislative
86 Compensation Commission and authorized by law for each day, or substantial portion thereof,
87 engaged in the performance of official duties.

NOTE: The purpose of this bill is to modify the membership of the Emergency Medical Services Advisory Council and to decrease the number of members of the Council from 18 voting members to 12 voting members, all effective July 1, 2022.

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