

1 **H. B. 2724**

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3 (By Delegates Staggers, Perry and Moye)  
4 [Introduced February 25, 2013; referred to the  
5 Committee on Health and Human Resources then the  
6 Judiciary.]  
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10 A BILL to amend and reenact §16-4C-8 of the Code of West Virginia,  
11 1931, as amended, relating to the Emergency Medical Services  
12 Act; requiring ambulance operator be certified as Emergency  
13 Medical Vehicle Operator; and requirements for application  
14 renewal of emergency medical service personnel certificate.

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

16 That §16-4C-8 of the Code of West Virginia, 1931, as amended,  
17 be amended and reenacted to read as follows:

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

19 **§16-4C-8. Standards for emergency medical service personnel.**

20 (a) Every ambulance operated by an emergency medical service  
21 agency shall carry at least two personnel. At least one person  
22 shall be certified ~~in cardiopulmonary resuscitation or first aid as~~  
23 an Emergency Medical Vehicle Operator and the person in the patient

1 compartment shall be certified as an emergency medical  
2 technician-basic at a minimum except that in the case of a  
3 specialized multipatient medical transport, only one staff person  
4 is required and that person shall be certified, at a minimum, at  
5 the level of an emergency medical technician-basic. The  
6 requirements of this subsection will remain in effect until revised  
7 by the legislative rule to be promulgated pursuant to subsection  
8 (b) of this section.

9 (b) On or before May 28, 2010, the commissioner shall submit  
10 a proposed legislative rule to the Emergency Medical Services  
11 Advisory Council for review, and on or before June 30, 2010, shall  
12 file the proposed legislative rule with the office of the Secretary  
13 of State, in accordance with the provisions of chapter  
14 twenty-nine-a, article three of this code, to establish  
15 certification standards for emergency medical vehicle operators and  
16 to revise the requirements for emergency medical service personnel.

17 (c) As of the effective date of the legislative rule to be  
18 promulgated pursuant to subsection (b) of this section, emergency  
19 medical service personnel who operate ambulances shall meet the  
20 requirements set forth in the legislative rule.

21 (d) Any person desiring emergency medical service personnel  
22 certification shall apply to the commissioner using forms and  
23 procedures prescribed by the commissioner. Upon receipt of the  
24 application, the commissioner shall determine whether the applicant

1 meets the certification requirements and may examine the applicant,  
2 if necessary to make that determination.

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

6 (1) The applicant shall meet all requirements necessary to  
7 accomplish the national criminal background check, including  
8 submitting fingerprints, and authorizing the West Virginia Office  
9 of Emergency Medical Services, the West Virginia State Police and  
10 the Federal Bureau of Investigation to use all records submitted  
11 and produced for the purpose of screening the applicant for  
12 certification.

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

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

19 (f) An application for an original, renewal or temporary  
20 emergency medical service personnel certificate or emergency  
21 medical services agency license, shall be acted upon by the  
22 commissioner and the certificate or license delivered or mailed, or  
23 a copy of any order of the commissioner denying any such  
24 application delivered or mailed to the applicant, within fifteen

1 days after the date upon which the complete application including  
2 test scores and background checks, if applicable, was received by  
3 the commissioner.

4 (g) Applicants for renewal of an emergency medical service  
5 personnel certificate possessing current National Registry  
6 certification at the appropriate level or that have continuously  
7 maintained West Virginia certification for five consecutive years  
8 shall not be required to complete a state cognitive and skills  
9 examinations provided they meet all other requirements for renewal.  
10 EMS personnel whose West Virginia certification has lapsed for  
11 greater than six months may be required by the commissioner to  
12 complete a state cognitive and skills examination prior to renewal  
13 of their certificate.

14 (h) Any person may report to the commissioner or the Director  
15 of the Office of Emergency Medical Services information he or she  
16 may have that appears to show that a person certified by the  
17 commissioner may have violated the provisions of this article or  
18 legislative rules promulgated pursuant to this article. A person  
19 who is certified by the commissioner, who knows of or observes  
20 another person certified by the commissioner violating the  
21 provisions of this article or legislative rules promulgated  
22 pursuant to this article, has a duty to report the violation to the  
23 commissioner or director. Any person who reports or provides  
24 information in good faith is immune from civil liability.

1       ~~(h)~~ (i) The commissioner may issue a temporary emergency  
2 medical service personnel certificate to an applicant, with or  
3 without examination of the applicant, when he or she finds that  
4 issuance to be in the public interest. Unless suspended or  
5 revoked, a temporary certificate shall be valid initially for a  
6 period not exceeding one hundred twenty days and may not be renewed  
7 unless the commissioner finds the renewal to be in the public  
8 interest.

NOTE: The purpose of this bill is to amend the Emergency Medical Services Act to require that at least one emergency medical personnel in every ambulance be certified as an Emergency Medical Vehicle Operator, and to provide an exemption from a state cognitive and skills examination for some medical service personnel seeking certificate renewal.

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