

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

Senate Bill 758

BY SENATORS SYPOLT, TARR, AND UNGER

[Introduced February 12, 2020; 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 the authority of the Emergency Medical Services Advisory Council in reviewing rules
3 proposed by the Commissioner of the Bureau for Public Health under the Emergency
4 Medical Services Act.

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 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 the commissioner in all matters pertaining to
8 his or her duties and functions in relation to carrying out the purposes of this article.

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

- 13 (1) Authorize the promulgation of the legislative rule;
- 14 (2) Authorize the promulgation of part of the legislative rule;
- 15 (3) Authorize the promulgation of the legislative rule with certain amendments;
- 16 (4) Recommend that the proposed rule be withdrawn; or
- 17 (5) Reject the proposed rule.

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

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

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

40 (3) One person to represent emergency medical services training officers or
41 representatives;

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

43 and

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

45 ~~(d)~~ (e) Not more than six of the members may be appointed from any one congressional
46 district.

47 ~~(e)~~ (f) Each term is to be for three years, and no member may serve more than four
48 consecutive terms.

49 ~~(f)~~ (g) The council shall choose its own ~~chairman~~ chairperson and meet at the call of the
50 commissioner at least twice a year.

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

NOTE: The purpose of this bill is to specify the authority of the Emergency Medical Services
Advisory Council in reviewing rules proposed by the Commissioner of the Bureau for Public
Health under the Emergency Medical Services Act.

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