

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3027

By Delegates Ross, Chiarelli, Marple, DeVault,
Adkins, and Dillon

[Introduced January 25, 2023; Referred to the
Committee on Fire Departments and Emergency
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. A state-generated initial certification test shall be given within one week of
 11 completion of the above listed classes.

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

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

21 (d) Any person desiring emergency medical services personnel certification shall apply to
22 the commissioner using forms and procedures prescribed by the commissioner. Upon receipt of
23 the application, the commissioner shall determine whether the applicant meets the certification
24 requirements and may examine the applicant if necessary to make that determination.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

79 (1) Been honorably discharged from any branch in the United States military;

80 (2) Received emergency medical technician training or similar life-saving medical training
81 in positions including, but not limited to, United States Army Infantryman, United States Air Force
82 Security Forces, United States Navy Hospital Corpsman, United States Coast Guard Aviation
83 Survival Technician, United States Marines Infantryman, National Guard Infantryman, and
84 Reserve Components of any of the preceding positions, or can otherwise demonstrate that his or
85 her occupation in the military received substantially similar training to be certified as required by
86 the commissioner; and

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

88 (l) Upon reviewing an application for certification pursuant to subsection (j) and subsection
89 (k) of this section, the commissioner shall issue an appropriate certificate to the individual applying
90 for certification as an emergency medical technician-paramedic or emergency medical technician-
91 basic without further examination or education. If an individual certified pursuant to this section
92 permits his or her certification to expire, the commissioner may require examination as a condition
93 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.