

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 4868

FISCAL
NOTE

By Delegates Statler, Mallow, Burkhammer,
Summers, Jennings, Toney, Ellington, Riley, Barnhart,
Butler, and Petitto

[Introduced January 17, 2024; Referred to the
Committee on Fire Departments and Emergency
Medical Services then the Judiciary]

1 A BILL to amend and reenact §16-4C-8 and §16-4C-9 of the Code of West Virginia, 1931, as
 2 amended, both related to reducing the certification periods for EMS personnel from four
 3 years to two years to align certification periods with those of the National Registry of
 4 Emergency Medical Technicians, to reducing the certification renewal fees to correspond
 5 with the shorter certification period, and to require the Office of Emergency Medical
 6 Services to publish disciplinary actions taken against certified EMS personnel on its
 7 website.

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 (b) On or before May 28, ~~2010~~ 2024, the commissioner shall submit a proposed legislative
 9 rule to the Emergency Medical Services Advisory Council for review, and on or before June 30,
 10 ~~2010~~ 2024, shall file the proposed legislative rule with the Office of the Secretary of State, in
 11 accordance with the provisions of §29A-3-1 *et seq.* of this code, to establish certification standards
 12 for emergency medical vehicle operators and to revise the requirements for emergency medical
 13 services personnel.

14 (c) As of the effective date of the legislative rule to be promulgated pursuant to §16-4C-
 15 8(b), emergency medical services personnel who operate ambulances shall meet the
 16 requirements set forth in the legislative rule.

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

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

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

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

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

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

39 (g) Certification as an Emergency Medical Dispatcher, Emergency Medical Vehicle
40 Operator, Emergency Medical Responder, Emergency Medical Technician, Advanced Emergency
41 Medical Technician, Paramedic, Mobile Critical Care Paramedic, or Mobile Critical Care Nurse is
42 valid for a period of two years with expiration dates determined by the Commissioner.

43 ~~(g)~~(h) Any person may report to the commissioner or the Director of the Office of
44 Emergency Medical Services information he or she may have that appears to show that a person
45 certified by the commissioner may have violated the provisions of this article or legislative rules
46 promulgated pursuant to this article. A person who is certified by the commissioner, who knows of
47 or observes another person certified by the commissioner violating the provisions of this article or
48 legislative rules promulgated pursuant to this article, has a duty to report the violation to the
49 commissioner or director. Any person who reports or provides information in good faith is immune
50 from civil liability.

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

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

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

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

66 (2) Received paramedic or similar life-saving medical training in positions including, but not
67 limited to, United States Army Combat Medic, United States Air Force Pararescue, United States
68 Air Force Combat Rescue Officer, United States Navy Hospital Corpsman – Advanced Technical

69 Field, United States Coast Guard Health Services Technician, National Guard Health Care
70 Specialist, the Reserve Components of any of the preceding positions, or can otherwise
71 demonstrate that his or her occupation in the military received substantially similar training to be
72 certified as required by the commissioner; and

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

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

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

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

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

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

§16-4C-9. Complaints; investigations; due process procedure; grounds for disciplinary action.

95 (a) The commissioner may at any time upon his or her own motion, and shall, upon the
96 written complaint of any person, cause an investigation to be conducted to determine whether
97 grounds exist for disciplinary action under this article or legislative rules promulgated pursuant to
98 this article.

99 (b) An investigator or other person who, under the direction of the commissioner or the
100 director, gathers or reports information in good faith to the commissioner or the director, is immune
101 from civil liability.

102 (c) After reviewing any information obtained through an investigation, the commissioner or
103 director shall determine if probable cause exists that the licensee or certificate holder has violated
104 any provision of this article or rules promulgated pursuant to this article.

105 (d) Upon a finding that probable cause exists that the licensee or certificate holder has
106 violated any provision of this article or rules promulgated pursuant to this article, the commissioner
107 or director shall provide a copy of the complaint and notice of hearing to the licensee or certificate
108 holder. Upon a finding of probable cause that the conduct or continued service or practice of any
109 individual certificate holder may create a danger to public health or safety, the commissioner may
110 temporarily suspend the certification prior to a hearing or notice: *Provided*, That the commissioner
111 may rely on information received from a physician that serves as a medical director in finding that
112 probable cause exists to temporarily suspend the certification: *Provided, however*, That the
113 commissioner shall simultaneously institute proceedings for a hearing in accordance with section
114 ten of this article.

115 (e) The commissioner or the director may enter into a consent decree or hold a hearing for
116 the suspension or revocation of the license or certification or the imposition of sanctions against
117 the licensee or certificate holder.

118 (f) The commissioner or the director issue subpoenas and subpoenas duces tecum to

119 obtain testimony and documents to aid in the investigation of allegations against any person or
120 agency regulated by the article.

121 (g) The commissioner or the director may sign a consent decree or other legal document
122 related to the complaint.

123 (h) The commissioner shall suspend or revoke any certificate, temporary certificate, or
124 license when he or she finds the holder has:

125 (1) Obtained a certificate, temporary certificate, or license by means of fraud or deceit; or

126 (2) Been grossly incompetent, and/or grossly negligent as defined by the commissioner in
127 accordance with rules or by prevailing standards of emergency medical services care; or

128 (3) Failed or refused to comply with the provisions of this article or any legislative rule
129 promulgated by the commissioner or any order or final decision of the commissioner; or

130 (4) Engaged in any act during the course of duty which has endangered or is likely to
131 endanger the health, welfare, or safety of the public.

132 (i) The commissioner or the director may, after notice and opportunity for hearing, deny or
133 refuse to renew, suspend, or revoke the license or certification of, impose probationary conditions
134 upon or take disciplinary action against, any licensee or certificate holder for any violation of this
135 article or any rule promulgated pursuant to this article, once a violation has been proven by a
136 preponderance of the evidence.

137 (j) Disciplinary action may include:

138 (1) Reprimand;

139 (2) Probation;

140 (3) Administrative penalties and fines;

141 (4) Mandatory attendance at continuing education seminars or other training;

142 (5) Practicing under supervision or other restriction;

143 (6) Requiring the licensee or holder of a certificate to report to the commissioner or director
144 for periodic interviews for a specified period of time;

145 (7) Other disciplinary action considered by the commissioner or director to be necessary to
146 protect the public, including advising other parties whose legitimate interests may be at risk; or

147 (8) Other sanctions as set forth by legislative rule promulgated pursuant to this article.

148 (k) The commissioner shall suspend or revoke any certificate, temporary certificate, or
149 license if he or she finds the existence of any grounds which would justify the denial of an
150 application for the certificate, temporary certificate, or license if application were then being made
151 for it.

152 (l) The Office of Emergency Medical Services shall, after notice and opportunity for
153 hearing, publish on its website any actions taken to suspend or revoke the certification of EMS
154 personnel for any violation of this article or any rule promulgated pursuant to this article. The
155 information published shall be limited to the individuals first and last name, certification number,
156 city and state of residence, if the certification was revoked or suspended and date of action. This
157 section does not require the Office of Emergency Medical Services to publish any information
158 otherwise protected under this code.

NOTE: The purpose of this bill is to reduce the certification periods for EMS personnel from 4 years to 2 years to align certification periods with those of the National Registry of Emergency Medical Technicians, to reduce the certification renewal fees to correspond with the shorter certification period and to require the Office of Emergency Medical Services to publish disciplinary actions taken against certified EMS personnel on its website.

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