

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Enrolled**

**Committee Substitute**

**for**

**Senate Bill 445**

By Senators Deeds, Grady, Rucker, Smith, Stover,

Stuart, Woelfel, Roberts, and Oliverio

[Passed March 8, 2024; in effect from passage]

1 AN ACT to amend and reenact §16-4C-8 and §16-4C-9 of the Code of West Virginia, 1931, as  
2 amended, all relating to certification of emergency medical services personnel;  
3 establishing dates for mandatory rule-making; setting period of validity of certification for  
4 emergency medical services personnel at two years; and requiring Office of Emergency  
5 Medical Services to publish certain disciplinary actions taken against certified emergency  
6 medical services personnel on its 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, 2024, the commissioner shall submit a proposed legislative rule  
9 to the Emergency Medical Services Advisory Council for review, and on or before June 30, 2024,  
10 shall file the proposed legislative rule with the Office of the Secretary of State, in accordance with  
11 the provisions of §29A-3-1 *et seq.* of this code, to establish certification standards for emergency  
12 medical vehicle operators and to revise the requirements for emergency medical services  
13 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 \$25 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 services  
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 (h) 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 (i) 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 (j) For purposes of certification or recertification of emergency medical services  
56 personnel, the commissioner shall recognize and give full credit for all continuing education credits  
57 that have been approved or recognized by any state or nationally recognized accrediting body.

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

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

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

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

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

11 (d) Upon a finding that probable cause exists that the licensee or certificate holder has  
12 violated any provision of this article or rules promulgated pursuant to this article, the commissioner  
13 or director shall provide a copy of the complaint and notice of hearing to the licensee or certificate  
14 holder. Upon a finding of probable cause that the conduct or continued service or practice of any  
15 individual certificate holder may create a danger to public health or safety, the commissioner may  
16 temporarily suspend the certification prior to a hearing or notice: *Provided*, That the commissioner  
17 may rely on information received from a physician who serves as a medical director in finding that  
18 probable cause exists to temporarily suspend the certification: *Provided, however*, That the  
19 commissioner shall simultaneously institute proceedings for a hearing in accordance with §16-4C-  
20 10 of this code.

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

24 (f) The commissioner or the director may issue subpoenas and subpoenas duces tecum to  
25 obtain testimony and documents to aid in the investigation of allegations against any person or  
26 agency regulated by this article.

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

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

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

32 (2) Been grossly incompetent or grossly negligent as defined by the commissioner in  
33 accordance with rules or by prevailing standards of emergency medical services care; or

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

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

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

43 (j) Disciplinary action may include:

44 (1) Reprimand;

45 (2) Probation;

46 (3) Administrative penalties and fines;

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

48 (5) Practicing under supervision or other restriction;

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

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

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

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

58 (l) The Office of Emergency Medical Services shall, after notice and opportunity for  
59 hearing, make available to the public electronically via the board's website, information regarding  
60 any suspension or revocation of the certification of EMS personnel for any violation of this article or  
61 any rule promulgated pursuant to this article. The information published shall be limited to the  
62 individual's name, certification number, whether the certification was revoked or suspended, and  
63 the date of action. This section does not require the Office of Emergency Medical Services to  
64 publish any information otherwise protected under this code.