WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1976

ENROLLED
SENATE BILL NO. 523

(By Mr. [Signature] [Name])

PASSED March 17, 1976

In Effect July 1, 1976

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 4/1/76
AN ACT to amend and reenact section seven, article four-c, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said chapter by adding thereto a new article, designated article four-d, all relating to the "Emergency Medical Services Act of 1976"; emergency medical services advisory council; duties, composition, appointment, meetings and expenses thereof; legislative findings and declaration of policy; definitions; office of emergency medical services, director, staffing; powers and duties; and powers to promulgate rules and regulations.

Be it enacted by the Legislature of West Virginia:

That section seven, article four-c, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, and that said chapter be further amended by adding thereto a new article, designated article four-d, all to read as follows:

ARTICLE 4C. EMERGENCY MEDICAL SERVICE.

§16-4C-7. Emergency medical service advisory council duties, composition, appointment, meetings, expenses.

1 The emergency medical service advisory council, herebefore created and established, shall be continued for the purpose of assisting the state board in developing standards for emergency medical service attendants; and for the purpose of providing advice to the office of emergency medical services and the director thereof, as established by article four-d of this chapter, with respect to reviewing and making recommendations for
and providing assistance to the establishment and maintenance of adequate emergency medical services for all areas of this state.

The council shall be composed of ten members appointed by the governor. The governor shall appoint one representative each from the West Virginia association of county officials, West Virginia council of towns and cities, West Virginia state firemen's association, American red cross, West Virginia hospital association, West Virginia state medical association, West Virginia funeral directors association, governor's highway safety administration, one person to represent private commercial ambulance services within the state and one person to represent emergency rescue squads operating within the state. The person appointed from the West Virginia funeral directors association shall be a person who provides ambulance service at the time of his appointment and throughout his term.

Initially, the governor shall appoint four members of the council for terms of two years and five for terms of four years. Thereafter, appointments shall be for terms of four years and made in a manner to preserve the representation of the council as it was originally comprised.

The council shall choose its own chairman and meet at the call of the director of the state department of health or the director of the office of emergency medical services. The council shall not meet more than five times in any one year, nor more than four times with only one of the above-mentioned agencies.

The members of such council shall be compensated at the rate of fifty dollars per day for the attendance of council meetings. The members of such council may be reimbursed for any and all reasonable and necessary expenses actually incurred in the performance of their duties: Provided, That the total compensation and expense allowances to any member of such council for any fiscal year shall not exceed in the aggregate the sum of six hundred dollars.
ARTICLE 4D. EMERGENCY MEDICAL SERVICES ACT.

§16-4D-1. Short Title.
1 This article shall be known as the "Emergency Medical Services Act of 1976."

§16-4D-2. Legislative findings and declaration of policy.
1 The Legislature hereby finds and declares that:
2 (a) Emergency medical services in this state are not uniformly available to all of the citizens and residents of this state;
3 (b) The establishment and maintenance of adequate emergency medical service systems for the entire state is necessary to promote the health and welfare of the citizens and residents of this state;
4 (c) By coordinating the efforts of all emergency medical service providers a more efficient system of emergency medical services can be effected;
5 (d) Emergency medical services is a public purpose and a responsibility of government for which public money may be spent; and
6 (e) It is the policy of this state that an effective effort be made to make emergency medical services available to all of its citizens and residents in the most efficient manner practicable and that it is necessary that an agency of this state be created and maintained for the purpose of providing and coordinating emergency medical services, and that such agency be delegated such powers and duties as may be necessary and appropriate to effectuate the public purposes and policy of this state as herein declared. This article is, accordingly, enacted in view of those findings and declarations of policy and shall be liberally construed in order to effectuate the public policy of this state as herein stated.

§16-4D-3. Definitions.
1 For the purposes of this article:
2 (a) The term "director" shall mean the director of the office of emergency medical services as defined in section four of this article;
3 (b) The term "council" shall mean the emergency
medical services advisory council created pursuant to article four-c of this chapter;

(c) The term "emergency medical services" shall mean all services which are included in and made a part of the emergency medical services plan as herein provided for and shall include attending, caring for and giving lifesaving or life preserving treatment to a patient transported in an ambulance; and

d) The term "patient" means any sick, injured, wounded, or otherwise incapacitated person or an expectant mother who needs medical, hospital or clinical services under existing or imminent emergency situation.

§16-4D-4. Office of emergency medical services; director; staffing.

There is hereby created within state government an office to be known as the office of emergency medical services. A director of the office of emergency medical services hereinafter called the "director" shall be appointed by the governor in accordance with the provisions of section two-a, article seven, chapter six, of this code. The director shall be qualified by both training and experience to perform the duties of his office. The director may be a licensed physician within the state of West Virginia.

The director may employ such technical, clerical, stenographic and other personnel as may be necessary to carry out the purposes of this article. The director and such other personnel may be paid from funds appropriated therefor or from such other funds as may be made available for carrying out the purposes of this article.

The annual salary of the director shall be established by the council subject to approval by the governor.

§16-4D-5. Powers and duties; advisory function of council.

The council shall have the duty to advise the director in all matters pertaining to his duties and functions in relation to carrying out the purposes of this article.
The director shall have the following powers and duties:

(a) To apply for, receive, and expend advances, grants, contributions and other forms of assistance from the state or federal government or from any private or public agencies or foundations to carry out the provisions of this article.

(b) To design, develop and review annually a comprehensive statewide emergency medical services plan. Such plan shall be limited to recommendations, aid, assistance and all such acts as shall be necessary;

(1) To encourage local participation by area, county and community officials and regional councils established under chapter eight of this code, and

(2) To encourage or provide for the development of a system for monitoring and evaluating emergency medical services programs throughout the state.

(c) To provide professional and technical assistance and to make information available to regional inter-agency councils and other potential applicants or program sponsors of emergency medical services.

(d) To assist local government agencies or regional interagency councils and other public bodies in obtaining federal, state or other available funds and services.

(e) To cooperate and work with federal, state and local governmental agencies and private organizations and persons in the promotion and implementation of the state plan.

(f) To enter into such contracts with persons and other entities as may be necessary and expedient to carry out the stated purposes of this article.

(g) To acquire in the name of the state by grant, purchase, gift, devise or any other methods such appropriate real and personal property as may be reasonable and necessary to carry out the purposes of this article.

(h) To make grants and allocations of funds and property so acquired or which may have been appro-
priated to such agency to other agencies of state and
local government as may be appropriate to carry out the
purposes of this article.

(i) To expend and distribute by grant or bailment
such funds and property to all such state and local
agencies for the purpose of performing the duties and
responsibilities of such agency all such funds which it
may have so acquired or which may have been appro-
priated by the Legislature of this state.

(j) To develop a program to inform the public con-
cerning emergency medical services programs.

(k) To review and disseminate information regard-
ing federal grant assistance relating to emergency med-
ic services.

(l) To prepare and submit to the governor and
Legislature recommendations for legislation in the area
of emergency medical services.

(m) To review and make recommendations for and
to assist or aid in all projects and programs which pro-
vide for emergency medical services regardless of
whether or not such projects or programs are funded
through the office of emergency medical services. Such
review and approval shall be required for all emer-
gency medical services projects, programs or services
which are eligible to receive state, federal, local or
private funds for their operation after the effective date
of this article.

(n) To take all necessary and appropriate action to
encourage and foster the cooperation of all emergency
medical service facilities with this state.

§16-4D-6. Rules and regulations.

1 The office of emergency medical services shall make
2 and publish such rules and regulations, not inconsistent
3 with the provisions of this article, as it finds necessary
4 or appropriate to the efficient administration of the func-
5 tions with which it is charged under this article.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

To take effect July 1, 1976.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 31st day of __________, 1976

Governor
PRESENTED TO THE
GOVERNOR

Date  3/25/76
Time  2:00 p.m.