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OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1976

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ENROLLED

SENATE BILL NO. 523

(By Mr. Robert E. Hoffman)

—•—

PASSED March 17, 1976

In Effect July 1, 1976 ~~January 1, 1976~~

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 4/1/76

ENROLLED
Senate Bill No. 523

(By MR. ROGERSON and MR. HUFFMAN)

[Passed March 17, 1976; in effect July 1, 1976.]

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, here-
2 tofore created and established, shall be continued for
3 the purpose of assisting the state board in developing
4 standards for emergency medical service attendants;
5 and for the purpose of providing advice to the office
6 of emergency medical services and the director thereof,
7 as established by article four-d of this chapter, with
8 respect to reviewing and making recommendations for

9 and providing assistance to the establishment and main-
10 tenance of adequate emergency medical services for all
11 areas of this state.

12 The council shall be composed of ten members ap-
13 pointed by the governor. The governor shall appoint
14 one representative each from the West Virginia asso-
15 ciation of county officials, West Virginia council of
16 towns and cities, West Virginia state firemen's as-
17 sociation, American red cross, West Virginia hos-
18 pital association, West Virginia state medical association,
19 West Virginia funeral directors association, governor's
20 highway safety administration, one person to rep-
21 resent private commercial ambulance services within
22 the state and one person to represent emergency rescue
23 squads operating within the state. The person ap-
24 pointed from the West Virginia funeral directors as-
25 sociation shall be a person who provides ambulance
26 service at the time of his appointment and throughout
27 his term.

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

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

40 The members of such council shall be compensated
41 at the rate of fifty dollars per day for the attendance
42 of council meetings. The members of such council may
43 be reimbursed for any and all reasonable and necessary
44 expenses actually incurred in the performance of their
45 duties: *Provided*, That the total compensation and ex-
46 pense allowances to any member of such council for
47 any fiscal year shall not exceed in the aggregate the
48 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 Med-
2 ical 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
3 not uniformly available to all of the citizens and resi-
4 dents of this state;

5 (b) The establishment and maintenance of adequate
6 emergency medical service systems for the entire state
7 is necessary to promote the health and welfare of
8 the citizens and residents of this state;

9 (c) By coordinating the efforts of all emergency
10 medical service providers a more efficient system of
11 emergency medical services can be effected;

12 (d) Emergency medical services is a public purpose
13 and a responsibility of government for which public
14 money may be spent; and

15 (e) It is the policy of this state that an effective
16 effort be made to make emergency medical services
17 available to all of its citizens and residents in the most
18 efficient manner practicable and that it is necessary
19 that an agency of this state be created and maintained
20 for the purpose of providing and coordinating emergency
21 medical services, and that such agency be delegated
22 such powers and duties as may be necessary and appro-
23 priate to effectuate the public purposes and policy of
24 this state as herein declared. This article is, accordingly,
25 enacted in view of those findings and declarations of
26 policy and shall be liberally construed in order to effec-
27 tuate 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
3 the office of emergency medical services as defined in
4 section four of this article;

5 (b) The term "council" shall mean the emergency

6 medical services advisory council created pursuant to
7 article four-c of this chapter;

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

14 (d) The term "patient" means any sick, injured,
15 wounded, or otherwise incapacitated person or an ex-
16 pectant mother who needs medical, hospital or clinical
17 services under existing or imminent emergency situation.

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

1 There is hereby created within state government an
2 office to be known as the office of emergency medical
3 services. A director of the office of emergency medical
4 services hereinafter called the "director" shall be ap-
5 pointed by the governor in accordance with the provi-
6 sions of section two-a, article seven, chapter six, of this
7 code. The director shall be qualified by both training
8 and experience to perform the duties of his office. The
9 director may be a licensed physician within the state of
10 West Virginia.

11 The director may employ such technical, clerical,
12 stenographic and other personnel as may be necessary
13 to carry out the purposes of this article. The director
14 and such other personnel may be paid from funds appro-
15 priated therefor or from such other funds as may be
16 made available for carrying out the purposes of this
17 article.

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

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

1 The council shall have the duty to advise the di-
2 rector in all matters pertaining to his duties and
3 functions in relation to carrying out the purposes of this
4 article.

5 The director shall have the following powers and
6 duties:

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

12 (b) To design, develop and review annually a com-
13 prehensive statewide emergency medical services plan.
14 Such plan shall be limited to recommendations, aid,
15 assistance and all such acts as shall be necessary;

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

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

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

26 (d) To assist local government agencies or regional
27 interagency councils and other public bodies in obtain-
28 ing federal, state or other available funds and ser-
29 vices.

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

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

37 (g) To acquire in the name of the state by grant,
38 purchase, gift, devise or any other methods such ap-
39 propriate real and personal property as may be reason-
40 able and necessary to carry out the purposes of this
41 article.

42 (h) To make grants and allocations of funds and
43 property so acquired or which may have been appro-

44 priated to such agency to other agencies of state and
45 local government as may be appropriate to carry out the
46 purposes of this article.

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

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

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

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

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

71 (n) To take all necessary and appropriate action to
72 encourage and foster the cooperation of all emergency
73 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.

James L. Davis

Chairman Senate Committee

Clarence L. Christensen

Chairman House Committee

Originated in the Senate.

To take effect July 1, 1976.

J. C. Dillon, Jr.

Clerk of the Senate

W. A. Blankenship

Clerk of the House of Delegates

H. A. Brinkley

President of the Senate

Lewis F. McManus

Speaker House of Delegates

The within *approved* this the *31st*
day of *March*, 1976

Anda Shary

Governor

PRESENTED TO THE
GOVERNOR

Date 3/25/76

Time 2:00 p.m.