

NO. 2028

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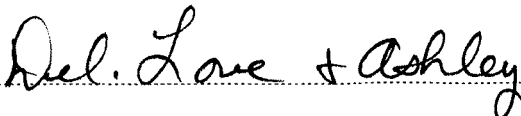
WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1989

— ● —

ENROLLED

Com. Sub. for
HOUSE BILL No. 2028

(By  Del. Love & Ashley)

— ● —

Passed April 8, 1989

In Effect July 1, 1989 ~~Passage~~

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 2028
(By DELEGATES LOVE and ASHLEY)

[Passed April 8, 1989; in effect July 1, 1989.]

AN ACT to amend and reenact sections three, five, eight, fourteen and twenty-two, article four-c, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto one new section, designated section twenty-three, all relating to definitions; emergency medical services advisory council, duties, composition, appointment, meetings, compensation and expenses, and continuation of the council; standards for emergency medical service personnel, adding class of emergency medical services personnel; services that may be performed by emergency medical services personnel, adding class of emergency medical services personnel; transportation of unconscious or otherwise uncommunicative patients.

Be it enacted by the Legislature of West Virginia:

That sections three, five, eight, fourteen and twenty-two, 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 article be further amended by adding thereto one new section designated section twenty-three, all to read as follows:

ARTICLE 4C. EMERGENCY MEDICAL SERVICES ACT.

§16-4C-3. Definitions.

1 As used in this article, unless the context clearly
2 requires a different meaning:

3 “Ambulance” means any privately or publicly owned
4 vehicle or aircraft which is designed, constructed or
5 modified; equipped or maintained; and operated for the
6 transportation of patients.

7 “Ambulance service” means the transportation, and
8 treatment at the site of pickup and en route, of a patient
9 to or from a place where medical, hospital or clinical
10 service is normally available.

11 “Council” means the emergency medical service
12 advisory council created pursuant to section five of this
13 article.

14 “Director” means the director of health.

15 “Emergency medical services” means all services
16 which are set forth in P.L. 93-154 “The Emergency
17 Medical Services Act of 1973” and those included in and
18 made a part of the emergency medical services plan of
19 the department of health inclusive of, but not limited to,
20 caring for and giving life-saving or life-preserving
21 treatment to a patient.

22 “Emergency medical service personnel” means any
23 person certified by the director to provide emergency
24 medical services as set out in section eight of this article
25 and includes, but is not limited to, emergency medical
26 service attendants, emergency medical technicians,
27 emergency medical technicians-ambulance, emergency
28 medical technicians-intermediate, mobile intensive care
29 paramedics, emergency medical technician-paramedics,
30 physicians, osteopathic physicians, persons certified to
31 provide cardiopulmonary resuscitation, registered
32 nurses and licensed practical nurses who have been
33 trained in first aid, or other licensed or certified health
34 providers who meet the standards and training require-
35 ments as determined by the director.

36 “Emergency medical service attendant” means a

37 person certified by the director to render such emer-
38 gency medical services as are authorized for such
39 emergency medical service attendant in section eight of
40 this article.

41 “Emergency medical technician” means a person
42 certified by the director to render such emergency
43 medical services as are authorized for such emergency
44 medical technician in section eight of this article.

45 “Emergency medical technician-ambulance” means a
46 person certified by the director to render such emer-
47 gency medical services as are authorized for such
48 emergency medical technician-ambulance in section
49 eight of this article.

50 “Emergency medical technician-intermediate” means
51 a person certified by the director to render such
52 emergency medical services as are authorized for such
53 emergency medical technician-intermediate in section
54 eight of this article.

55 “Emergency medical technician-critical care” means
56 a person certified by the director to render such
57 emergency medical services as are authorized for such
58 emergency medical technician-critical care in section
59 eight of this article.

60 “Mobile intensive care paramedic” means a person
61 certified by the director to render such emergency
62 medical services as are authorized for such mobile
63 intensive care paramedic in section eight of this article.

64 “Emergency medical technician-paramedic” means a
65 person certified by the director to render such emer-
66 gency medical services as are authorized for such
67 emergency medical technician-paramedic in section
68 eight of this article.

69 “Emergency medical service provider” means any
70 authority, person, corporation, partnership or other
71 entity, public or private, which owns or operates an
72 ambulance which provides emergency medical service
73 in this state.

74 “Governing body” has the meanings ascribed to it as

75 applied to a municipality in subdivision (1), subsection
76 (b), section two, article one, chapter eight of this code.

77 “Line officer” means the emergency medical service
78 personnel, present at the scene of an accident, injury or
79 illness, who has taken the responsibility for patient care.

80 “Medical command” means the issuing of orders by a
81 physician or osteopathic physician from a medical
82 facility to emergency medical service personnel for the
83 purpose of providing appropriate patient care.

84 “Municipality” has the meaning ascribed to it in
85 subdivision (1), subsection (a), section two, article one,
86 chapter eight of this code.

87 “Patient” means any sick, injured, wounded or
88 otherwise incapacitated or helpless person, or an
89 expectant mother who needs medical, hospital or clinical
90 service under an existing or imminent emergency
91 situation.

92 “Service reciprocity” means the provision of emer-
93 gency medical services to citizens of this state by
94 emergency medical service personnel certified to render
95 such services by a neighboring state.

96 “Small emergency medical service provider” means
97 any emergency medical service provider which is made
98 up of less than twenty emergency medical service
99 personnel.

**§16-4C-5. Emergency medical services advisory council;
duties, composition, appointment, meetings,
compensation and expenses.**

1 The emergency medical service advisory council,
2 heretofore created and established by former section
3 seven of this article, shall be continued for the purpose
4 of developing, with the director, standards for emer-
5 gency medical service personnel and for the purpose of
6 providing advice to the office of emergency medical
7 services and the director thereof, as established by
8 section four of this article with respect to reviewing and
9 making recommendations for and providing assistance
10 to the establishment and maintenance of adequate

11 emergency medical services for all portions of this state.

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

15 The council shall be composed of thirteen members
16 appointed by the governor by and with the advice and
17 consent of the Senate. The mountain state emergency
18 medical services association shall submit to the governor
19 a list of six names of representatives from their
20 association and a list of three names shall be submitted
21 to the governor of representatives of their respective
22 organizations by the West Virginia association of county
23 officials, West Virginia state firemen's association, West
24 Virginia hospital association, West Virginia state
25 medical association, West Virginia chapter of the
26 American college of emergency physicians, West
27 Virginia emergency medical services administrators
28 association and the state department of education. The
29 governor shall appoint from the respective lists submit-
30 ted two persons who represent the mountain state
31 emergency medical services association, one of whom
32 shall be a paramedic and one of whom shall be an
33 emergency medical technician, and one person from the
34 West Virginia association of county officials, West
35 Virginia state firemen's association, West Virginia
36 hospital association, West Virginia state medical
37 association, West Virginia chapter of the American
38 college of emergency physicians, West Virginia emer-
39 gency medical services administrators association and
40 the state department of education. The governor shall
41 in addition appoint one person to represent emergency
42 medical service providers operating within the state, one
43 person to represent small emergency medical service
44 providers operating within this state and two persons to
45 represent the general public. Not more than four of the
46 members shall be appointed from any one Congressional
47 district. No member shall serve more than four consec-
48 utive terms.

49 The council shall choose its own chairman and meet
50 at the call of the director at least twice a year.

51 The members of such council may be reimbursed for
52 any and all reasonable and necessary expenses actually
53 incurred in the performance of their duties.

54 After having conducted a performance and fiscal
55 audit through its joint committee on government
56 operations, pursuant to section nine, article ten, chapter
57 four of this code, the Legislature hereby finds and
58 declares that the emergency medical services advisory
59 council should be continued and reestablished. Accord-
60 ingly, notwithstanding the provisions of section four,
61 article ten, chapter four of this code, the emergency
62 medical services advisory council shall continue to exist
63 until the first day of July, one thousand nine hundred
64 ninety-five.

**§16-4C-8. Standards for emergency medical service
personnel.**

1 (1) After the first day of January, one thousand nine
2 hundred eighty-five, every ambulance which provides
3 ambulance service or emergency medical services shall
4 carry two persons who are certified as emergency
5 medical service personnel, one of which personnel shall
6 be in the patient compartment at all times when a
7 patient is being transported by such ambulance. As a
8 minimum, of the personnel carried by any ambulance
9 operated by any emergency medical service provider,
10 one shall be trained in cardiopulmonary resuscitation
11 and one shall be certified as an emergency medical
12 service attendant.

13 (2) After the first day of July, one thousand nine
14 hundred eighty-six, at least one of the emergency
15 medical services personnel referred to in the imme-
16 diately preceding subsection shall be minimally certi-
17 fied as an emergency medical technician-ambulance on
18 any emergency call and such person shall be in the
19 patient compartment at all times a patient is being
20 transported.

21 As a minimum, the training for each class of emer-
22 gency medical service personnel shall include:

23 (a) Emergency medical service attendant: Shall have

24 earned and possess valid certificates from the depart-
25 ment or by authorities recognized and approved by the
26 director in advanced first aid or equivalent training and
27 cardiopulmonary resuscitation.

28 (b) Emergency medical technician: Shall have suc-
29 cessfully completed the course on emergency care of the
30 sick and injured established by the director or by
31 authorities recognized and approved by the director.

32 (c) Emergency medical technician-ambulance: Shall
33 have successfully completed the course for certification
34 as an emergency medical technician-ambulance as
35 established by the director or authorities recognized and
36 approved by the director.

37 (d) Emergency medical technician-intermediate:
38 Shall have successfully completed the course for
39 certification as an emergency medical technician-
40 ambulance and such other course of study and certifi-
41 cation as may be established by the director.

42 (e) Emergency medical technician-critical care: Shall
43 have successfully completed the course for certification
44 as an emergency medical technician-critical care and
45 such other course of study and certification as may be
46 established by the director.

47 (f) Mobile intensive care paramedic: Shall have
48 successfully completed the course for certification as a
49 mobile intensive care paramedic and such other course
50 of study and certification as may be established by the
51 director.

52 (g) Emergency medical technician-paramedic: Shall
53 have completed the course for certification as an
54 emergency medical technician-paramedic and such
55 other course of study and certification as may be
56 established by the director.

57 The foregoing shall not be considered to limit the
58 power of the director to prescribe training, certification
59 and recertification standards.

60 State and county continuing education and recertifi-
61 cation programs for all levels of emergency medical

62 service providers shall be available to emergency
63 medical service providers at a convenient site within the
64 county in which the emergency medical service provider
65 operates, or in an adjacent county within thirty minutes
66 travel time of the provider's primary place of operation.
67 Such continuing education program shall be provided
68 free of charge by the department of health to all
69 nonprofit emergency medical service providers.

70 (3) Any person desiring emergency medical services
71 personnel certification shall apply to the director using
72 forms and procedures prescribed by the director. Upon
73 receipt of such application, the director shall determine
74 if the applicant meets the requirements for certification
75 and examine the applicant, as in his discretion, is
76 necessary to make such a determination. If it is
77 determined that the applicant meets all of the require-
78 ments, the director shall issue an appropriate emer-
79 gency medical service personnel certificate to the
80 applicant. Emergency medical service personnel certif-
81 icates issued by the director shall be valid for a period
82 not to exceed three years from the date of their issuance
83 unless sooner suspended or revoked by the director.
84 Certificates may be renewed for additional periods not
85 to exceed three years after review and determination by
86 the director that such holder meets the requirements
87 established for emergency medical service personnel.

88 (4) The director may issue a temporary emergency
89 medical service personnel certificate to an applicant,
90 with or without examination of the applicant, when he
91 finds such issuance to be in the public interest. Unless
92 sooner suspended or revoked a temporary certificate
93 shall be valid initially for a period not exceeding one
94 hundred twenty days and it shall not be renewed
95 thereafter unless the director finds such renewal to be
96 in the public interest: *Provided*, That the expiration date
97 of any such temporary certificate issued shall be
98 extended until the holder of such certificate is afforded
99 at least one opportunity to take an emergency medical
100 services personnel training course within the general
101 area where he serves as an emergency medical service
102 personnel, but the expiration date shall not be extended

103 for any longer period of time or for any other reason.

104 The director may, on petition from an emergency
 105 medical service provider, squad, ambulance authority or
 106 county commission, grant an extension for compliance
 107 with paragraphs (1) and (2) of this section where
 108 circumstances prevent such emergency medical service
 109 provider, squad, ambulance authority or county commis-
 110 sion from meeting the time frames indicated. Such
 111 extension shall be for no longer than twelve calendar
 112 months from the date of the request and the request for
 113 extension must include such information as may be
 114 required by the director to determine if all reasonable
 115 efforts have been made to comply with this section. No
 116 petitioner shall be granted more than one extension
 117 under this section.

**§16-4C-14. Services that may be performed by emer-
 gency medical services personnel.**

1 Notwithstanding any other provision of law, emer-
 2 gency medical service personnel, by each class, may
 3 provide the following care:

4 (1) Emergency medical services attendant—Render
 5 basic first-aid and cardiopulmonary resuscitation and
 6 other services as are established by the director.

7 (2) Emergency medical technician—Render care
 8 which may be performed by an emergency medical
 9 services attendant, and other services as are established
 10 by the director.

11 (3) Emergency medical technician-ambulance—
 12 Render the care permitted which may be performed by
 13 an emergency medical service attendant and by an
 14 emergency medical technician, and in addition, other
 15 services as are established by the director.

16 (4) Emergency medical technician-intermediate—
 17 Render the care permitted which may be performed by
 18 an emergency medical service attendant, emergency
 19 medical technician and emergency medical technician-
 20 ambulance, and in addition, upon the order of a medical
 21 command physician or surgeon and other services as are
 22 established by the director.

23 (5) Emergency medical technician-critical—Render
24 the care permitted which may be performed by an
25 emergency medical service attendant, an emergency
26 medical technician, emergency medical technician-
27 ambulance, emergency medical technician-interme-
28 diate; and, in addition, upon order of a medical
29 command physician or surgeon, perform any other
30 services as are established by the director.

31 (6) Mobile intensive care paramedic—Render care
32 which may be performed by an emergency medical
33 service attendant, an emergency medical technician,
34 emergency medical technician-ambulance, emergency
35 medical technician-intermediate, emergency medical
36 technician-critical care; and, in addition, upon order of
37 a medical command physician or surgeon, perform any
38 other services as are established by the director.

39 (7) Emergency medical technician-paramedic—
40 Render care which may be performed by an emergency
41 medical service attendant, an emergency medical
42 technician, an emergency medical technician-ambu-
43 lance, emergency medical technician-intermediate,
44 emergency medical technician-critical care, mobile
45 intensive care paramedic, and in addition, upon order
46 of a medical command physician or surgeon, perform
47 any other services as are established by the director.

**§16-4C-22. Transportation of unconscious or otherwise
uncommunicative patients.**

1 (a) Emergency medical service personnel shall trans-
2 port critically ill or injured, unconscious or otherwise
3 uncommunicative patients to the medical facility
4 designated by the medical command physician.

5 (b) No person shall have the right to direct emergency
6 medical service personnel to transport a patient to a
7 specific medical facility unless such person is the legal
8 guardian, parent of a minor or has power of attorney
9 for the critically injured or ill patient.

§16-4C-23. Authority of the director to make regulations.

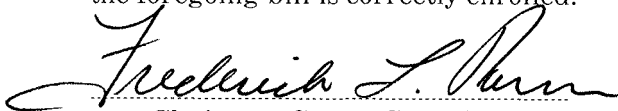
1 The director is hereby authorized and empowered to
2 make regulations pursuant to the procedures established

11 [Enr. Com. Sub. for H. B. 2028

3 in chapter twenty-nine-a of this code for the purpose of
4 carrying out the purposes of this article.

Enr. Com. Sub. for H. B. 2028] 12


The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


Chairman Senate Committee

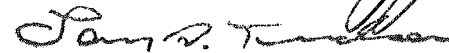

Chairman House Committee


Originating in the House.

Takes effect July 1, 1989.

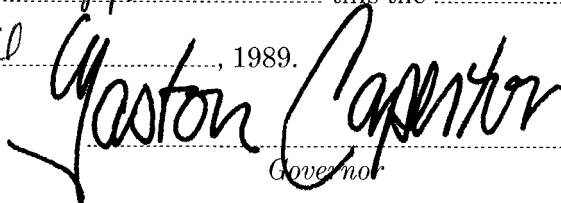

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within is approved this the 27th
day of April, 1989.


Governor

PRESENTED TO THE
GOVERNOR

Date 4/20/89

Time 10:15