WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1989

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ENROLLED

Com. Sub. for

HOUSE BILL No. 2028

(By Del. Love & Ashley)

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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.

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

"Ambulance" means any privately or publicly owned vehicle or aircraft which is designed, constructed or modified; equipped or maintained; and operated for the transportation of patients.

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

"Council" means the emergency medical service advisory council created pursuant to section five of this article.

"Director" means the director of health.

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

"Emergency medical service personnel" means any person certified by the director to provide emergency medical services as set out in section eight of this article and includes, but is not limited to, emergency medical service attendants, emergency medical technicians, emergency medical technicians-ambulance, emergency medical technicians-intermediate, mobile intensive care paramedics, emergency medical technician-paramedics, physicians, osteopathic physicians, persons certified to provide cardiopulmonary resuscitation, registered nurses and licensed practical nurses who have been trained in first aid, or other licensed or certified health providers who meet the standards and training requirements as determined by the director.

"Emergency medical service attendant" means a
person certified by the director to render such emergency medical services as are authorized for such emergency medical service attendant in section eight of this article.

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

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

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

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

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

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

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

“Governing body” has the meanings ascribed to it as
applied to a municipality in subdivision (1), subsection (b), section two, article one, chapter eight of this code.

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

"Medical command" means the issuing of orders by a physician or osteopathic physician from a medical facility to emergency medical service personnel for the purpose of providing appropriate patient care.

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

"Patient" means any sick, injured, wounded or otherwise incapacitated or helpless person, or an expectant mother who needs medical, hospital or clinical service under an existing or imminent emergency situation.

"Service reciprocity" means the provision of emergency medical services to citizens of this state by emergency medical service personnel certified to render such services by a neighboring state.

"Small emergency medical service provider" means any emergency medical service provider which is made up of less than twenty emergency medical service personnel.

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

The emergency medical service advisory council, heretofore created and established by former section seven of this article, shall be continued for the purpose of developing, with the director, standards for emergency medical service personnel and for the purpose of providing advice to the office of emergency medical services and the director thereof, as established by section four of this article with respect to reviewing and making recommendations for and providing assistance to the establishment and maintenance of adequate
emergency medical services for all portions of this state.

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 council shall be composed of thirteen members appointed by the governor by and with the advice and consent of the Senate. The mountain state emergency medical services association shall submit to the governor a list of six names of representatives from their association and a list of three names shall be submitted to the governor of representatives of their respective organizations by the West Virginia association of county officials, West Virginia state firemen's association, West Virginia hospital association, West Virginia state medical association, West Virginia chapter of the American college of emergency physicians, West Virginia emergency medical services administrators association and the state department of education. The governor shall appoint from the respective lists submitted two persons who represent the mountain state emergency medical services association, one of whom shall be a paramedic and one of whom shall be an emergency medical technician, and one person from the West Virginia association of county officials, West Virginia state firemen's association, West Virginia hospital association, West Virginia state medical association, West Virginia chapter of the American college of emergency physicians, West Virginia emergency medical services administrators association and the state department of education. The governor shall in addition appoint one person to represent emergency medical service providers operating within the state, one person to represent small emergency medical service providers operating within this state and two persons to represent the general public. Not more than four of the members shall be appointed from any one Congressional district. No member shall serve more than four consecutive terms.

The council shall choose its own chairman and meet at the call of the director at least twice a year.
The members of such council may be reimbursed for any and all reasonable and necessary expenses actually incurred in the performance of their duties.

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

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

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

(2) After the first day of July, one thousand nine hundred eighty-six, at least one of the emergency medical services personnel referred to in the immediately preceding subsection shall be minimally certified as an emergency medical technician-ambulance on any emergency call and such person shall be in the patient compartment at all times a patient is being transported.

As a minimum, the training for each class of emergency medical service personnel shall include:

(a) Emergency medical service attendant: Shall have
earned and possess valid certificates from the department or by authorities recognized and approved by the director in advanced first aid or equivalent training and cardiopulmonary resuscitation.

(b) Emergency medical technician: Shall have successfully completed the course on emergency care of the sick and injured established by the director or by authorities recognized and approved by the director.

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

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

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

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

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

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

State and county continuing education and recertification programs for all levels of emergency medical
service providers shall be available to emergency medical service providers at a convenient site within the county in which the emergency medical service provider operates, or in an adjacent county within thirty minutes travel time of the provider's primary place of operation. Such continuing education program shall be provided free of charge by the department of health to all nonprofit emergency medical service providers.

(3) Any person desiring emergency medical services personnel certification shall apply to the director using forms and procedures prescribed by the director. Upon receipt of such application, the director shall determine if the applicant meets the requirements for certification and examine the applicant, as in his discretion, is necessary to make such a determination. If it is determined that the applicant meets all of the requirements, the director shall issue an appropriate emergency medical service personnel certificate to the applicant. Emergency medical service personnel certificates issued by the director shall be valid for a period not to exceed three years from the date of their issuance unless sooner suspended or revoked by the director. Certificates may be renewed for additional periods not to exceed three years after review and determination by the director that such holder meets the requirements established for emergency medical service personnel.

(4) The director may issue a temporary emergency medical service personnel certificate to an applicant, with or without examination of the applicant, when he finds such issuance to be in the public interest. Unless sooner suspended or revoked a temporary certificate shall be valid initially for a period not exceeding one hundred twenty days and it shall not be renewed thereafter unless the director finds such renewal to be in the public interest: Provided, That the expiration date of any such temporary certificate issued shall be extended until the holder of such certificate is afforded at least one opportunity to take an emergency medical services personnel training course within the general area where he serves as an emergency medical service personnel, but the expiration date shall not be extended
The director may, on petition from an emergency medical service provider, squad, ambulance authority or county commission, grant an extension for compliance with paragraphs (1) and (2) of this section where circumstances prevent such emergency medical service provider, squad, ambulance authority or county commission from meeting the time frames indicated. Such extension shall be for no longer than twelve calendar months from the date of the request and the request for extension must include such information as may be required by the director to determine if all reasonable efforts have been made to comply with this section. No petitioner shall be granted more than one extension under this section.

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

Notwithstanding any other provision of law, emergency medical service personnel, by each class, may provide the following care:

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

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

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

(4) Emergency medical technician-intermediate—Render the care permitted which may be performed by an emergency medical service attendant, emergency medical technician and emergency medical technician-ambulance, and in addition, upon the order of a medical command physician or surgeon and other services as are established by the director.
(5) Emergency medical technician-critical—Render the care permitted which may be performed by an emergency medical service attendant, an emergency medical technician, emergency medical technician-ambulance, emergency medical technician-intermediate; and, in addition, upon order of a medical command physician or surgeon, perform any other services as are established by the director.

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

(7) Emergency medical technician-paramedic—Render care which may be performed by an emergency medical service attendant, an emergency medical technician, an emergency medical technician-ambulance, emergency medical technician-intermediate, emergency medical technician-critical care, mobile intensive care paramedic, and in addition, upon order of a medical command physician or surgeon, perform any other services as are established by the director.

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

(a) Emergency medical service personnel shall transport critically ill or injured, unconscious or otherwise uncommunicative patients to the medical facility designated by the medical command physician.

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

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

The director is hereby authorized and empowered to make regulations pursuant to the procedures established
3 in chapter twenty-nine-a of this code for the purpose of
4 carrying out the purposes of this article.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Frederick P. Turn
Chairman Senate Committee

J. L. Latte
Chairman House Committee

Originating in the House.

Takes effect July 1, 1989.

Jed C. Wells
Clerk of the Senate

Donald L. Kopp
Clerk of the House of Delegates

Tony D. Tomlinson
President of the Senate

Maryland
Speaker of the House of Delegates

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

Jaston Caperston
Governor