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# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1999



# ENROLLED

SENATE BILL NO. 612

(By Senator WALKER AND BOWMAN.)



PASSED MARCH 13, 1999

In Effect NINETY DAYS FROM Passage

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WEST VIRGINIA STATE

**ENROLLED**

**Senate Bill No. 612**

(BY SENATORS WALKER AND BOWMAN)

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[Passed March 13, 1999; in effect ninety days from passage.]

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AN ACT to amend and reenact sections three and eight, article four-c, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to emergency medical services personnel; clarifying the definition of "ambulance"; and specifying staffing and personnel requirements for specialized multipatient medical transports.

*Be it enacted by the Legislature of West Virginia:*

That sections three and eight, article four-c, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, 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 requires
- 2 a different meaning:

3 (a) "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, including, but not limited to,  
7 emergency medical services vehicles; rotary and fixed wing  
8 air ambulances; gsa kkk-A-1822 federal standard type I,  
9 type II and type III vehicles; and specialized multipatient  
10 medical transport vehicles operated by an emergency  
11 medical services agency;

12 (b) "Commissioner" means the commissioner of the  
13 bureau of public health;

14 (c) "Council" means the emergency medical service  
15 advisory council created pursuant to section five of this  
16 article;

17 (d) "Emergency medical services" means all services  
18 which are set forth in Public Law 93-154 "The Emergency  
19 Medical Services Systems Act of 1973" and those included  
20 in and made a part of the emergency medical services plan  
21 of the department of health and human resources inclusive  
22 of, but not limited to, responding to the medical needs of  
23 an individual to prevent the loss of life or aggravation of  
24 illness or injury;

25 (e) "Emergency medical service agency" means any  
26 agency licensed under section six-a of this article to  
27 provide emergency medical services;

28 (f) "Emergency medical service attendant" means a  
29 person certified by the commissioner pursuant to the  
30 provisions of section eight of this article to render the  
31 services authorized pursuant to the provisions of section  
32 fourteen of this article;

33 (g) "Emergency medical service personnel" means any  
34 person certified by the commissioner to provide emergency  
35 medical services authorized in section eight of this article  
36 and includes, but is not limited to, emergency medical  
37 service attendant, emergency medical technician-basic and  
38 emergency medical technician-paramedic;

39 (h) "Emergency medical service provider" means any  
40 authority, person, corporation, partnership or other entity,

41 public or private, which owns or operates a licensed  
42 emergency medical services agency providing emergency  
43 medical service in this state;

44 (i) "Emergency medical technician-basic" means a  
45 person certified by the commissioner pursuant to the  
46 provisions of section eight of this article to render the  
47 services authorized pursuant to the provisions of section  
48 fourteen of this article;

49 (j) "Emergency medical technician-paramedic" means a  
50 person certified by the commissioner pursuant to the  
51 provisions of section eight of this article to render services  
52 as authorized pursuant to the provisions of section four-  
53 teen of this article;

54 (k) "Governing body" has the meanings ascribed to it as  
55 applied to a municipality in subdivision (1), subsection (b),  
56 section two, article one, chapter eight of this code;

57 (l) "Line officer" means the emergency medical service  
58 personnel, present at the scene of an accident, injury or  
59 illness, who has taken the responsibility for patient care;

60 (m) "Medical command" means the issuing of orders by  
61 a physician from a medical facility to emergency medical  
62 service personnel for the purpose of providing appropriate  
63 patient care;

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

67 (o) "Patient" means any person who is a recipient of the  
68 services provided by emergency medical services;

69 (p) "Service reciprocity" means the provision of emer-  
70 gency medical services to citizens of this state by emer-  
71 gency medical service personnel certified to render those  
72 services by a neighboring state; and

73 (q) "Small emergency medical service provider" means  
74 any emergency medical service provider which is made up  
75 of less than twenty emergency medical service personnel.

76 (r) "Specialized multipatient medical transport" means  
77 a type of ambulance transport provided for patients with  
78 medical needs greater than those of the average popula-  
79 tion, which may require the presence of a trained emer-  
80 gency medical technician during the transport of the  
81 patient: *Provided*, That the requirement of "greater  
82 medical need" may not prohibit the transportation of a  
83 patient whose need is preventive in nature.

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

1 (a) Every ambulance operated by an emergency medical  
2 service agency shall carry at least two personnel. At least  
3 one person shall be certified in cardiopulmonary resuscita-  
4 tion or first aid and the person in the patient-compartment  
5 shall be certified as an emergency medical technician-  
6 basic at a minimum, except that in the case of a special-  
7 ized multipatient medical transport, only one staff person  
8 is required and that person shall be certified, at a mini-  
9 mum, at the level of an emergency medical technician-  
10 basic.

11 (b) As a minimum the training for each class of emer-  
12 gency medical service personnel shall include:

13 (1) Emergency medical service attendant: Shall have  
14 earned and possess valid certificates from the department  
15 or by authorities recognized and approved by the commis-  
16 sioner;

17 (2) Emergency medical technician-basic: Shall have  
18 successfully completed the course for certification as an  
19 emergency medical technician-basic as established by the  
20 commissioner or authorities recognized and approved by  
21 the commissioner; and

22 (3) Emergency medical technician-paramedic: Shall  
23 have successfully completed the course for certification as  
24 an emergency medical technician-paramedic established  
25 by the commissioner or authorities recognized and ap-  
26 proved by the commissioner.

27 The foregoing may not be considered to limit the power  
28 of the commissioner to prescribe training, certification and  
29 recertification standards.

30 (c) Any person desiring emergency medical service  
31 personnel certification shall apply to the commissioner  
32 using forms and procedures prescribed by the commis-  
33 sioner. Upon receipt of the application, the commissioner  
34 shall determine whether the applicant meets the certifica-  
35 tion requirements and may examine the applicant, if  
36 necessary to make that determination. If it is determined  
37 that the applicant meets all of the requirements, the  
38 commissioner shall issue an appropriate emergency  
39 medical service personnel certificate which shall be valid  
40 for a period as determined by the commissioner.

41 State and county continuing education and  
42 recertification programs for all levels of emergency  
43 medical service providers shall be available to emergency  
44 medical service providers at a convenient site within one  
45 hundred miles of the provider's primary place of operation  
46 at sites determined by the regional emergency medical  
47 services offices. The continuing education program shall  
48 be provided at a cost specified in a fee schedule to be  
49 promulgated by legislative rule in accordance with the  
50 provisions of article three, chapter twenty-nine-a of this  
51 code by the division of health to all nonprofit emergency  
52 medical service personnel.

53 (d) The commissioner may issue a temporary emergency  
54 medical service personnel certificate to an applicant, with  
55 or without examination of the applicant, when he or she  
56 finds that issuance to be in the public interest. Unless  
57 suspended or revoked, a temporary certificate shall be  
58 valid initially for a period not exceeding one hundred  
59 twenty days and may not be renewed unless the commis-  
60 sioner finds the renewal to be in the public interest. The  
61 expiration date of a temporary certificate shall be ex-  
62 tended until the holder is afforded at least one opportunity  
63 to take an emergency medical service personnel training  
64 course within the general area where he or she serves as an  
65 emergency medical service personnel, but the expiration  
66 date may not be extended for any longer period of time or  
67 for any other reason.

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

*Paul Johnson*  
.....  
Chairman Senate Committee

*Jack Smith*  
.....  
Chairman House Committee

Originating in the Senate.

In effect ninety days from passage.

*Russell Alden*  
.....  
Clerk of the Senate

*Gregory M. Bush*  
.....  
Clerk of the House of Delegates

*Earl Ray Tomblin*  
.....  
President of the Senate

*John*  
.....  
Speaker House of Delegates

The within..... *approved* ..... this the *7th*  
*April*  
Day of ....., 1999

*Jeff Guarnard*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/30/99

Time 10:55 am