ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 2916

(By Delegates Staggers, Morgan, M. Poling, Caputo, Webster, White and Perdue)

Passed April 11, 2009

In Effect from Passage
AN ACT to amend and reenact §16-4C-6, §16-4C-6b and §16-4C-8 of the Code of West Virginia, 1931 as amended, all relating to the Emergency Medical Services Act; providing rule-making authority for fees for certification and recertification of emergency services personnel; providing for fees for certification and recertification of emergency services personnel to be deposited in the Emergency Medical Services Agency Licensure Fund; requiring applicants for certification to submit to a criminal history background check; prohibiting the release of results of criminal history background check to or by private entities; and establishing fees for certification and recertification of emergency services personnel.

Be it enacted by the Legislature of West Virginia:
That §16-4C-6, §16-4C-6b and §16-4C-8 of the Code of West Virginia, 1931 as amended, be amended and reenacted, all to read as follows:

ARTICLE 4C. EMERGENCY MEDICAL SERVICES ACT.

§16-4C-6. Powers and duties of commissioner.

The commissioner shall have the following powers and duties:

(a) In accordance with chapter twenty-nine-a of this code, to propose rules regarding the age, training, retraining, testing, certification and recertification, and fees for the certification and recertification, of emergency medical service personnel. However, the commissioner may not propose any rule required by this article until it has been submitted for review to the emergency medical services advisory council and this council has had at least thirty days to review such proposed rule. The council may take no action unless a quorum is present;

(b) 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;

(c) To design, develop and annually review a statewide emergency medical services implementation plan. The plan shall recommend aid and assistance and all other acts necessary to carry out the purposes of this article:

(1) To encourage local participation by area, county and community officials and regional emergency medical services boards of directors; and
(2) To develop a system for monitoring and evaluating emergency medical services programs throughout the state;

(d) To provide professional and technical assistance and to make information available to regional emergency medical services boards of directors and other potential applicants or program sponsors of emergency medical services for purposes of developing and maintaining a statewide system of services;

(e) To assist local government agencies, regional emergency medical services boards of directors and other public or private entities in obtaining federal, state or other available funds and services;

(f) To cooperate and work with federal, state and local governmental agencies, private organizations and other entities as may be necessary to carry out the purposes of this article;

(g) To acquire in the name of the state by grant, purchase, gift, devise or any other methods 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 appropriated to the 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 funds and property to all state and local agencies for the purpose of performing the duties and responsibilities of the agency all funds which it may have so acquired or which may have been appropriated by the Legislature of this state;
(j) To develop a program to inform the public concerning emergency medical services;

(k) To review and disseminate information regarding federal grant assistance relating to emergency medical services;

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

(m) To review, make recommendations for and assist in all projects and programs that provide for emergency medical services whether or not the projects or programs are funded through the Office of Emergency Medical Services. A review and approval shall be required for all emergency medical services projects, programs or services for which application is made to receive state or federal funds for their operation after the effective date of this act; and

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

(o) Nothing in this article may be construed to allow the commissioner to dissolve, invalidate or eliminate any existing emergency medical service program or ambulance providers in service at the time of adoption of the amendment to this article in the regular session of the Legislature in the year 1984, or to deny them fair access to federal and state funding, medical facilities and training programs.

§16-4C-6b. Establishment of emergency medical services agency licensure fund; authorized expenditures; annual report.
(a) There is established in the State Treasury a special revenue fund designated the “Emergency Medical Services Agency Licensure Fund”, which shall be administered by the Commissioner of the Bureau of Public Health.

(b) All application, personnel certification and recertification and agency licensing fees collected pursuant to the provisions of sections six, six-a and eight of this article shall be deposited into the fund and expended in accordance with the agency licensure and personnel certification and recertification duties imposed in this article.

(c) Any remaining balance, including accrued interest, in the fund at the end of the fiscal year shall not revert to the General Revenue Fund, but shall remain in the account.

(d) On or before January 1 of each year, the commissioner shall provide the Legislature with an annual fiscal year report on the emergency medical services agency licensure account including, but not limited to, the previous fiscal year’s expenditures; projected expenditures for the current and next fiscal years; the number of agency licenses and personnel certifications and recertifications issued, denied, suspended or revoked; and, the status of licensure and certification hearings and court actions.

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

(a) Every ambulance operated by an emergency medical service agency shall carry at least two personnel. At least one person shall be certified in cardiopulmonary resuscitation or first aid and the person in the patient compartment shall be certified as an emergency medical technician-basic at a minimum, except that in the case of a specialized multipatient medical transport, only one staff person is required and that person shall be certified, at a minimum, at the level of an
emergency medical technician-basic. (b) As a minimum the
training for each class of emergency medical service
personnel shall include:

(1) Emergency medical service attendant: Shall have
earned and possess valid certificates from the department or
by authorities recognized and approved by the commissioner;

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

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

(c) Subsection (b) of this section may not be considered
to limit the power of the commissioner to prescribe training,
certification and recertification standards.

(d) Any person desiring emergency medical service
personnel certification shall apply to the commissioner using
forms and procedures prescribed by the commissioner. Upon
receipt of the application, the commissioner shall determine
whether the applicant meets the certification requirements
and may examine the applicant, if necessary to make that
determination.

(e) The applicant shall submit to a national criminal
background check, the requirement of which is declared to be
not against public policy.
(1) The applicant shall meet all requirements necessary to accomplish the national criminal background check, including submitting fingerprints, and authorizing the West Virginia Office of Emergency Services and the Federal Bureau of Investigation to use all records submitted and produced for the purpose of screening the applicant for certification.

(2) The results of the national criminal background check may not be released to or by a private entity.

(3) The applicant shall submit a fee of $75 for initial certification and a fee of $50 for recertification. The fees set forth in this subsection remain in effect until modified by legislative rule.

(f) If the Commissioner determines that the applicant meets all of the requirements, he or she shall issue an appropriate emergency medical service personnel certificate which shall be valid for a period as determined by the commissioner.

(g) 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 one hundred miles of the provider's primary place of operation at sites determined by the regional emergency medical services offices. The continuing education program shall be provided at a cost specified in a fee schedule to be promulgated by legislative rule in accordance with article three, chapter twenty-nine-a of this code by the Secretary of the Department of Health and Human Resources to all nonprofit emergency medical service personnel.
(h) The commissioner may issue a temporary emergency medical service personnel certificate to an applicant, with or without examination of the applicant, when he or she finds that issuance to be in the public interest. Unless suspended or revoked, a temporary certificate shall be valid initially for a period not exceeding one hundred twenty days and may not be renewed unless the commissioner finds the renewal to be in the public interest. The expiration date of a temporary certificate shall be extended until the holder is afforded at least one opportunity to take an emergency medical service personnel training course within the general area where he or she serves as an emergency medical service personnel, but the expiration date may not be extended for any longer period of time or for any other reason.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within happened this the sixth day of May, 2009.

Governor