

**WEST VIRGINIA  
SECRETARY OF STATE  
NATALIE E. TENNANT  
ADMINISTRATIVE LAW DIVISION**

Form #2

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**FILED**

2013 OCT -4 AM 10: 30

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE**

AGENCY: Board of Coal Mine Health and Safety TITLE NUMBER: 36

RULE TYPE: Legislative Exempt CITE AUTHORITY: 22A-6-4

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

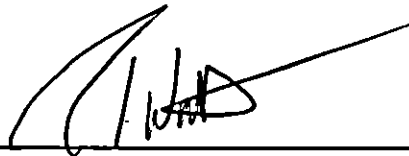
IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 56

TITLE OF RULE BEING PROPOSED: RULES GOVERNING ARRANGEMENTS FOR EMERGENCY MEDICAL ASSISTANCE AND TRANSPORTATION FOR INJURED PERSONS

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON 6 November 2013 AT 5:00pm ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Board of Coal Mine Health and Safety  
~~1900 Kanawha BLVD East~~  
State Capitol Complex  
Charleston, WV 25301  
email: joel.l.watts@wv.gov  
fax: 304.558.1224

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

  
\_\_\_\_\_  
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

Rule Title:

3. **Explanation of above estimates (including long-range effect):**  
Please include any increase or decrease in fees in your estimated total revenues.

n/a

### MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

n/a

Date: 4 October 2013

Signature of Agency Head or Authorized Representative

\_\_\_\_\_

APPENDIX B

**FISCAL NOTE FOR PROPOSED RULES**

Rule Title: RULES GOVERNING ARRANGEMENTS FOR EMERGENCY MEDICAL ASSISTANCE AND TRANSPORTATION FOR INJURED PERSONS

Type of Rule:  Legislative  Interpretive  Procedural

Agency: Board of Coal Mine Health and Safety

Address: State Capitol Complex, Build 6 Ste 652

Phone Number: 305.957.2306 Email: joel.l.watts@wv.gov

**Fiscal Note Summary**

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

N/A

**Fiscal Note Detail**

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "--")	Next Increase/Decrease (use "--")	Fiscal Year (Upon Full Implementation)
<b>1. Estimated Total Cost</b>	0.00	0.00	0.00
Personal Services	0.00	0.00	0.00
Current Expenses	0.00	0.00	0.00
Repairs & Alterations	0.00	0.00	0.00
Assets	0.00	0.00	0.00
Other	0.00	0.00	0.00
<b>2. Estimated Total Revenues</b>	0.00	0.00	0.00

Rule Title: RULES GOVERNING ARRANGEMENTS FOR EMERGENCY MEDICAL ASSISTANCE AND TRANSPORTATION FOR INJURED PERSONS



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## **WEST VIRGINIA BOARD OF COAL MINE HEALTH AND SAFETY**

1900 Kanawha BLVD, E. Bldg 6 Ste 652 • Charleston, West Virginia 25305 • Telephone 304.957.2306 • Fax 304.558.1224

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### **Notice of Proposed Rule**

**To:** All persons interested in Rules and Regulations constructed by the Board of Coal Mine Health and Safety

**From:** Joel L. Watts, Administrator – BCMH&S

**Subject:** 36.56: Hoisting machinery; telephones; safety devices; hoisting engineers and drum runners

**Date:** 4 October 2013

**Comment Period:** 5 October 2013 – 6 November 2013

**Authority:** §22-6-4

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The Board of Coal Mine Health and Safety is created pursuant to WV Code §22A-6-1

§36-56

At the 3 October 2013 meeting of the Board of Coal Mine Health and Safety, the Board voted to send this proposed rule out for public comment.

You may submit comments to:

Board of Coal Mine Health and Safety  
1900 Kanawha Blvd East  
State Capitol Complex  
Bldg 6, Ste 652  
Charleston, WV 25301

You may email comments to:

[Joel.L.Watts@wv.gov](mailto:Joel.L.Watts@wv.gov)

You may fax comments to:

304.558.1224

The comment period ends 5:00pm, 6 November 2013

TITLE 36  
LEGISLATIVE EXEMPT RULE  
BOARD OF COAL MINE HEALTH AND SAFETY

FILED

SERIES 56  
RULES GOVERNING ARRANGEMENTS FOR EMERGENCY MEDICAL ASSISTANCE AND  
TRANSPORTATION FOR INJURED PERSONS

2013 OCT -4 AM 10: 30

OFFICE WEST VIRGINIA  
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**§36-56-1. General.**

1.1. Scope. – Rules and regulations governing Arrangements for emergency medical assistance and transportation for injured persons; agreements; reporting requirements; posting requirements.

1.2. Authority. – W. Va. Code §22-6-4; §22-6-5(b)

1.3. Filing Date. –

1.4. Effective Date. –

**§36-56-2. Effects Of Regulations.**

2.1. These rules and regulations shall have the effect of law and violations shall be deemed a violation of law and so cited with the same effect as law. All provisions of Article 1A, Chapter 22A of the Code relative to enforcement are applicable to the enforcement of these rules and regulations.

**§36-56-3 Arrangements for emergency medical assistance and transportation for injured persons; agreements; reporting requirements; posting requirements.**

(a) Each operator and or independent contractor of a coal mine shall make arrangements with a licensed physician, medical service, medical clinic, or hospital to provide 24-hour emergency medical assistance for any person injured at the mine.

(b) Each operator and or independent contractor of a coal mine shall make arrangements with an ambulance service, or otherwise provide, for 24-hour emergency transportation for any person injured at the mine and provide a map to the ambulance service.

(c) Each operator and or independent contractor shall, on or before 1 January 2014, report to The Director or an authorized representative of the Director for the region in which the mine is located the name, title and address of the physician, medical service, medical clinic, hospital or ambulance service with whom arrangements have been made, or otherwise provided, in accordance with the provisions of paragraphs (a) and (b) of this regulation.

(d) Each operator and or independent contractor shall, within 10 days after any change of the arrangements required to be reported under the provisions of this regulation, report such changes to The Director or an authorized representative of the Director. If such changes involve a substitution of persons, the operator, sub-contractor, and or independent contractor shall provide the name, title, and

address of the person substituted together with the name and address of the medical service, medical clinic, hospital, or ambulance service with which such person or persons are associated.

(e) Each operator and or independent contractor shall, immediately after making an arrangement required under the provisions of paragraphs (a) and (b) of this regulation, or immediately after any change of such arrangement, post at appropriate places at the mine the names, titles, addresses, and telephone numbers of all persons or services currently available under such arrangements to provide medical assistance and transportation at the mine.

(f) Each operator, sub-contractor, and or independent contractor shall designate an ambulance route and shall clearly post signs at the entrance of the mine indicating designated ambulance routes as well as clearly marking each designated ambulance route.