



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

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OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

FORM 4 -- NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY **Miners' Health Safety And Training**
RULE TYPE **Legislative** **AMENDMENT TO EXISTING RULE** **No** **TITLE-SERIES** **56-22**
RULE NAME **Certification, Recertification and Training of EMT-Miners and the Certification of EMT-M Instructors**
CITE AUTHORITY **§§16-4C-6c(g), 22A-1-6**

THE ABOVE PROPOSED LEGISLATIVE RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.
Yes

Joshua L Jarrell -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 56-22



Rule Id: 10115



Document: 29945



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)

AGENCY **Miners' Health Safety And Training**
RULE TYPE **Legislative** **AMENDMENT TO EXISTING RULE** **No** **TITLE-SERIES** **56-22**
RULE NAME **Certification, Recertification and Training of EMT-Miners and the Certification of EMT-**
 M Instructors
CITE AUTHORITY **§§16-4C-6c(g), 22A-1-6**

PRIMARY CONTACT

William A. Tucker
Office of Miners' Health, Safety and Training
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SECONDARY CONTACT

Eugene White, Director
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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)

AGENCY Miners' Health Safety And Training

RULE TYPE Legislative **AMENDMENT TO EXISTING RULE** No **TITLE-SERIES** 56-22

RULE NAME Certification, Recertification and Training of EMT-Miners and the Certification of EMT-M Instructors

CITE AUTHORITY §§16-4C-6c(g), 22A-1-6

SUMMARIZE IN A CLEAR AND CONCISE MANNER WHAT IMPACT THIS MEASURE WILL HAVE ON COSTS AND REVENUES OF STATE GOVERNMENT.

Revenue: We will charge \$10 to certify each EMT-miner. $3000 \times \$10 = \$30,000$ (§56-22-4.3) There will NOT be a charge to re-certify. We estimate the number of Instructors to be 200, who will be charged \$10 to certify, generating \$2,000. (§56-22-5.4)

Cost to agency for training: Registration \$12,500, lodging \$7,000, per diem \$3,500, SmarTerm data base system update \$1,700, supplies \$7,000, miscellaneous \$2,000, for a total of \$33,700.

Recertifications: There are currently approximately 3000 EMT-M's. There will be a savings of at least \$50 per person every year they get their 8-hour module for retraining. (Industry savings of \$150,000 per year.)

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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 2)

AGENCY **Miners' Health Safety And Training**
RULE TYPE **Legislative** **AMENDMENT TO EXISTING RULE** No TITLE-SERIES **56-22**
RULE NAME **Certification, Recertification and Training of EMT-Miners and the Certification of EMT-M Instructors**
CITE AUTHORITY **§§16-4C-6c(g), 22A-1-6**

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.

Effect Of Proposal	Current Increase/Decrease (use ' - ')	Next Increase/Decrease (use ' - ')	Fiscal Year (Upon Full Implementation)
ESTIMATED TOTAL COST	33,700.00	0.00	33,700.00
PERSONAL SERVICES	0.00	0.00	0.00
CURRENT EXPENSES	0.00	0.00	0.00
REPAIRS AND ALTERATIONS	0.00	0.00	0.00
ASSETS	0.00	0.00	0.00
OTHER	0.00	9,000.00	9,000.00
ESTIMATED TOTAL REVENUES	32,000.00	0.00	32,000.00

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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 3)

AGENCY Miners' Health Safety And Training

RULE TYPE Legislative AMENDMENT TO EXISTING RULE No TITLE-SERIES 56-22

RULE NAME Certification, Recertification and Training of EMT-Miners and the Certification of EMT-M Instructors

CITE AUTHORITY §§16-4C-6c(g), 22A-1-6

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT). PLEASE INCLUDE ANY INCREASE OR DECREASE IN FEES IN YOUR ESTIMATED TOTAL REVENUES.

The cost of a card to certify a miner is \$10. We estimate certifying 3000 miners for a revenue of \$30,000. We estimate the number of Instructors to be 200, who will be charged \$10 to certify, generating \$2,000.

We anticipate a minimal amount of revenue being generated after the initial inception of this Rule mainly due to the decline in the coal industry and the low demand for EMT-Miners.

Costs include training fees for OMHST employees of approximately \$25,000, supplies \$7,000, and an update to the SmarTerm data base system of \$1,700.

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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 4)

AGENCY **Miners' Health Safety And Training**
RULE TYPE **Legislative** **AMENDMENT TO EXISTING RULE** **No** **TITLE-SERIES** **56-22**
RULE NAME **Certification, Recertification and Training of EMT-Miners and the Certification of EMT-M Instructors**
CITE AUTHORITY **§§16-4C-6c(g), 22A-1-6**

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.

A minimal amount of revenue will be generated after the initial inception of this Rule mainly due to the decline in the coal industry and the low demand for EMT-Miners.

We are estimating that approximately 200 individuals will be certified as Instructors.

No additional employees will be hired. Current employees will assume these responsibilities.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Joshua L Jarrell -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 56-22



Rule Id: 10115



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TITLE 56
LEGISLATIVE RULE
WEST VIRGINIA OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

SERIES 22
RULES GOVERNING THE CERTIFICATION,
RE-CERTIFICATION AND TRAINING OF EMT-MINERS
AND THE CERTIFICATION OF EMT-M INSTRUCTORS

§56-22-1. General.

1.1. Scope. -- This rule establishes a program for the certification, recertification and training of EMT-Miners (EMT-M) and the certification of EMT-M Instructors.

1.2. Authority. -- W. Va. Code §§16-4C-6c(g) and 22A-1-6.

1.3. Filing Date. -- ~~April 28, 2016.~~ June 7, 2016.

1.4. Effective Date. --

1.5. Sunset Date. -- This rule will sunset five years after its effective date.

§56-22-2. Purpose.

2.1. This rule establishes a program for the certification, recertification and training of EMT-Miners and the certification of EMT-M Instructors.

§56-22-3. Definitions.

3.1. All definitions found in W. Va. Code §22A-1-2 and W. Va. Code R. §56-3-3 are applicable to this Rule.

3.2. Board. The term "Board" means the Board of Miner Training, Education and Certification.

3.3. CPR. The term "CPR" means cardiopulmonary resuscitation.

3.4. Director. The term "Director" means the Director of the Office of Miners' Health, Safety and Training.

3.5. EMT-M. The term "EMT-M" means an individual trained and certified to be an emergency medical technician for the mining industry. The term "EMT-M" means an EMT-Miner as well as EMT-Mining.

3.6. EMT-M Instructor. The term "EMT-M Instructor" means an individual certified by the Director to teach the certification and recertification courses and administer the examinations based on his or her qualifications, experience and background.

3.7. Form prescribed by the Director. The term "form prescribed by the Director" means a form which at a minimum shall require: The full legal name, the full Social Security number, date of birth, mailing address, telephone number (including cell number), and E-mail address of the applicant.

3.8. National DOT Curriculum for First Responders. The term "National DOT Curriculum for First Responders" means the United States Department of Transportation, National Highway Traffic Safety Administration, First Responder National Standard Curriculum.

§56-22-4. Certification and Recertification Requirements for EMT-M.

4.1. Grandfather Clause.

4.1.a. An EMT-M~~s~~ certified by the Office of Emergency Medical Services in good standing on ~~or before June 9, 2016~~ December 31, 2015, shall be recognized by the Director as an EMT-M~~s~~ and shall be recertified thereafter as set forth in this Rule.

4.2. Commencing June 9, 2016, an applicant for certification as an EMT-M shall:

4.2.a. Be at least eighteen (18) years old;

4.2.b. Apply on a form prescribed by the Director;

4.2.c. Possess a valid CPR certification;

4.2.d. Successfully complete the EMT-M education program authorized by the Director in consultation with the Board; and

4.2.e. Successfully pass the EMT-M cognitive and skills examinations authorized by the Director in consultation with the Board.

4.3. The Director may charge a ten dollar (\$10.00) fee for the issuance of an EMT-M certification.

4.4. The initial EMT-M certification is valid for a period of three (3) years from the date of issuance; however, the EMT-M must complete an eight~~-~~ (8) hour module during the third year and every year thereafter to remain current or comply with paragraph 4.5.c.1.

4.5. To be recertified as an EMT-M, a certificate holder shall:

4.5.a. Apply on a form prescribed by the Director;

4.5.b. Possess a valid CPR certification;

4.5.c. Successfully complete one of the following:

4.5.c.1. A thirty-two (32) hour EMT-M recertification course authorized by the Director in consultation with the Board prior to the expiration of the three-year anniversary of the certification; or

4.5.c.2. Annual eight~~-~~ (8) hour retraining and testing programs authorized by the Director in consultation with the Board ; and

4.5.d. Successfully pass the EMT-M mining cognitive and skills recertification examination(s) authorized by the Director in consultation with the Board. The recertification examination(s) shall be part of the Instructor evaluations.

4.6. At the end of the annual refresher course or thirty-two (32) hour recertification course, the EMT-M instructor shall submit a roster of the individuals who have successfully completed the annual certification module and instructor evaluations. The EMT-M certification of any individual not completing the annual refresher course, absent just cause as determined by the Director, shall become invalid until such time as he or she takes the missed module, as long it is taken by December 31 of the following year. If at any time two (2) consecutive modules are missed, then the

individual must retake the initial sixty- (60) hour course and pass the required examinations. This includes those individuals who failed to take their recertification module in 2015.

4.7. The EMT-M Instructor shall keep copies of the students' examination skill sheets for at least one (1) year when conducting the annual refresher course.

4.8. An EMT-M may only provide EMT-M services on mining property permitted by the West Virginia Office of Miners' Health, Safety and Training.

4.9. An EMT's or medical professionals in other jurisdictions who possess equivalent training as an EMT-M under this Rule may apply on a form prescribed by the Director to be certified as an EMT-M's subject to approval by the Director in consultation with the Board.

4.10. After December 31, 2016, the Director or his authorized representative shall conduct the examinations for the initial EMT-M certification unless another entity is authorized by the Director in consultation with the Board to conduct the examinations.

4.11. The initial applicant must have a minimum score of seventy (70) percent to be certified as an EMT-M.

4.12. The initial applicant shall have up to one (1) year to retake the parts of the test that he or she failed in order to obtain the EMT-M certification. After one (1) year has passed, if the applicant fails to obtain his/her certification, he/she must repeat the entire EMT-M course.

4.13. The EMT-M curriculum in conjunction with the National DOT Curriculum for First Responders shall be followed when teaching the sixty (60) hour EMT-M certification course. Updates in the DOT curriculum will also apply to the EMT-M curriculum.

§56-22-5. Certification Requirements for EMT-M Instructor.

5.1. Grandfather Clause.

5.1.a. An EMT-M Instructors in good standing on the effective date of this Rule shall be recognized by the Director as an EMT-M Instructors and shall be certified as set forth in this Rule.

5.2. Commencing June 9, 2016, an applicant for certification as an EMT-M Instructor shall:

5.2.a. Be a certified or qualified first-aid instructor or a medical professional approved by the Director in consultation with the Board;

5.2.b. Be a CPR instructor;

5.2.c. Be at least eighteen (18) years old; and

5.2.d. Apply on a form prescribed by the Director.

5.3. An EMT-M Instructor's certification shall remain valid so long as ~~that~~ the Instructor meets the requirements of subsections 5.2.a. and 5.2.b. of this section, or the EMT-M Instructor certification is revoked by the Director for good cause.

5.4. The Director may charge a ten dollar (\$10.00) fee for the issuance of an EMT-M Instructor certification.

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5.5. Any person desiring to teach the EMT-M course and annual refresher course shall possess a current EMT-M Instructor certification issued by the Director.

5.6. ~~The~~ An EMT-M Instructor may bring in persons with special expertise to assist in teaching the course ~~as~~ so long as they are under the direct supervision of ~~the~~ an EMT-M Instructor.

5.7. The EMT-M Instructor shall notify the regional office in the region where the certification or recertification course is being given as soon as practical prior to starting the course. The EMT-M Instructor shall provide directions to the training facility, contact information and the number of applicants. The class shall be limited to twenty-five (25) students unless approved by the Director.