



WEST VIRGINIA SECRETARY OF STATE

KRIS WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Health TITLE-SERIES: 64-48
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: Emergency Medical Services
CITE STATUTORY AUTHORITY: W. Va. Code §16-1-4, §16-4C-6, §16-4C-14, and §16-4C-23

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/23/2025 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Virginia M. Payne
ADDRESS: 350 Capitol Street, Room 702
Charleston, WV 25301
EMAIL: virginia.m.payne@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

This rule is intended to ensure adequate provision of emergency medical services to the residents of West Virginia and to meet the purposes set out in W. Va. Code §16-4C-2 to provide clear direction to emergency medical services (EMS) personnel and agencies in West Virginia.

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:

The rule amendments add a new subsection relating to aeromedical flight data.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

N/A

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

N/A

C. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

N/A

D. FISCAL NOTE DETAIL:

| Effect of Proposal | Fiscal Year | | |
|------------------------------------|--|--|--|
| | 2025 Increase/Decrease (use "-") | 2026 Increase/Decrease (use "-") | Fiscal Year (Upon Full Implementation) |
| 1. Estimated Total Cost | 0 | 0 | 0 |
| Personal Services | 0 | 0 | 0 |
| Current Expenses | 0 | 0 | 0 |
| Repairs and Alterations | 0 | 0 | 0 |
| Assets | 0 | 0 | 0 |
| Other | 0 | 0 | 0 |
| 2. Estimated Total Revenues | 0 | 0 | 0 |

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

N/A

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

Yes

Virginia M Payne -- 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.

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TITLE 64
LEGISLATIVE RULE
DEPARTMENT OF HEALTH

SERIES 48
EMERGENCY MEDICAL SERVICES

§64-48-1. General.

1.1. Scope. -- This rule is intended to ensure adequate provision of emergency medical services to the residents of West Virginia and to meet the purposes set out in W. Va. Code §16-4C-2 to provide clear direction to emergency medical services (EMS) personnel and agencies in West Virginia.

1.2. Authority. -- W. Va. Code §16-1-4, §16-4C-6, §16-4C-14, and §16-4C-23.

1.3. Filing Date. -- ~~May 8, 2025.~~

1.4. Effective Date. -- ~~August 1, 2025.~~

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect August 1, ~~2030~~ 2031.

1.6. Applicability. -- The provisions of this rule are not intended to limit the scope of practice of any person who is a duly licensed health care provider under other pertinent provisions of West Virginia law and who is acting within the scope of his or her license. This rule applies to all persons or entities defined in W. Va. Code §16-4C-14 and §16-4C-3 and to all other persons or entities engaging in the provision of EMS in West Virginia.

1.7. Enforcement. -- This rule is enforced by the Secretary of the Department of Health.

§64-48-2. Definitions.

2.1. Advanced Emergency Medical Technician (AEMT) -- A person licensed as an Advanced Emergency Medical Technician.

2.2. Advanced Life Support (ALS) -- A level of EMS which includes, but is not limited to, the assessment, treatment, and transportation of sick and injured persons, invasive and non-invasive medical procedures, the administration of medications and BLS procedures as approved for the appropriate level of licensure by the OEMS Medical Direction System.

2.3. Air Ambulance -- An aircraft configured and medically equipped to transport patients by air. The patient care compartment of air medical ambulances shall be staffed by a licensed medical crew meeting the requirements of this rule.

2.4. Agency Medical Director -- A West Virginia licensed physician who meets the requirements of subdivision 9.1.1. of this rule, and accepts responsibility for providing medical oversight, medical performance review, and extending privilege to practice to a licensed EMS agency and its personnel under the guidelines established by OEMS.

2.5. Basic Life Support (BLS) -- A level of EMS which includes, but is not limited to, assessment, treatment, and transportation of sick and injured persons, including medical procedures, the administration of limited medications, basic life-saving procedures, and continuous medical supervision as approved for the appropriate level of licensure by the OEMS Medical Direction System.

2.6. Certification -- The process by which a person acquires a license as an EMS personnel for a level in which he or she is not currently certified in this state.

2.7. Certification Transfer -- The issuance of licensure through reciprocity, legal recognition, or equivalency based on prior training, certification, or licensure in another state, commonwealth, territory, or the United States military.

2.8. Communications Center -- A facility that receives calls for emergency assistance and dispatches the appropriate responders to EMS incidents for a particular geographic area. These facilities include, but are not limited to 9-1-1 centers, stand-alone dispatch centers, and other public safety answering points.

2.9. Community Paramedic -- A person licensed as a Community Paramedic.

2.10. Community Paramedicine -- A type of non-emergent ALS service where direct care is provided without transport.

2.11. CPR -- Cardio-Pulmonary Resuscitation.

2.12. Criminal history background check -- A report from a criminal history record system maintained by federal or state governmental agencies that is based on fingerprint identification.

2.13. Critical Care Transport -- A level of sophisticated, specialized medical care and transportation requiring specifically trained, skilled, and equipped personnel operating under guidelines established by the OEMS Medical Direction System.

2.14. Data System -- An electronic system designated by OEMS for the collection, storage, and retrieval of all information relating to the provision of EMS including, but not limited to, electronic patient care records, emergency medical services toolkits, medical command data, and other specialized data collections.

2.15. Director of the Office of Emergency Medical Services, OEMS Director, or Director -- The Director of OEMS within the Department of Health.

2.16. Disaster -- A natural or man-made occurrence which creates need for the provision of EMS which exceeds the capacity of prompt provision of care or transportation by the EMS providers in the immediate area of the occurrence.

2.17. Emergency Medical Dispatcher (EMD) -- A person licensed as an Emergency Medical Dispatcher.

2.18. Emergency Medical Responder (EMR) -- A person licensed as an Emergency Medical Responder.

2.19. Emergency Medical Service Agency or EMS agency -- A person or entity licensed to provide EMS.

2.20. Emergency Medical Services Vehicle (EMS vehicle) -- EMS transportation vehicles including: ambulances, air ambulances, and other patient transportation vehicles, and non-transporting, medically equipped vehicles operated by licensed EMS agencies as described in this rule. EMS vehicles include any private or publicly owned vehicle or craft intended to provide on-scene EMS or patient transportation.

2.21. Emergency Medical Technician (EMT) -- A person licensed as an Emergency Medical Technician.

2.22. Emergency Medical Vehicle Operator (EMVO) -- A person licensed as an Emergency Medical Vehicle Operator.

2.23. Incident -- An event which generates a request to provide EMS assessment, treatment, or transportation by EMS agencies and personnel. Incidents include, but are not limited to 9-1-1 response, non-emergency transportation, inter-facility transport, patient refusals of care, no care needed or provided, and standby in support of other emergency responses or emergency events.

2.24. Inspector -- A person authorized by OEMS to inspect EMS agencies, vehicles, training institutions, or other facilities as necessary.

2.25. Investigator -- A person authorized by OEMS to conduct investigations on behalf of the Secretary.

2.26. Local System -- A coordinated arrangement of resources organized to provide emergency ambulance service within a defined geographical area. The systems are provided under the authority of either a county commission, statutory ambulance authority, or other legislatively established entity charged with the responsibility for providing the service.

2.27. Medical Command Center -- A designated facility staffed by paramedic communications specialists, operating under medical supervision, who provide online advice and direction to EMS personnel for specific EMS incidents regarding treatment, triage, and destination decisions under the guidelines of the EMS Medical Direction System.

2.28. Medical Command Physician (MCP) -- A West Virginia licensed physician operating as part of a medical command center who provides online medical direction to EMS personnel using patient care treatment, triage, and transportation protocols and guidelines approved by OEMS. The MCP has ultimate authority and responsibility for patient care activities provided on a specific EMS incident.

2.29. Medical Direction System -- The aggregate medical resources responsible for the establishment of policies and procedures governing all aspects of the operation of the online and offline medical direction for all EMS activities in West Virginia.

2.30. Medical Facility -- Any hospital, medical clinic, physician's office, or other similar facility, licensed or certified by the appropriate state agency, at which medical care and treatment is available.

2.31. Medical Policy and Care Committee (MPCC) -- The MPCC is composed of each regional medical director and may include physicians representing specialty areas such as pediatrics, trauma, cardiology, and others as necessary. The committee serves as the primary policy making body and advisory body to

the State Medical Director concerning medical issues involving the OEMS system. The committee shall meet at least biannually, or more frequently as necessary.

2.32. Mobile Critical Care Nurse (MCCN) -- A person possessing a valid, unrestricted Registered Nurse license in West Virginia who meets OEMS requirements for paramedic certification, who has completed additional state-approved education, and meets other requirements to provide Critical Care Transport.

2.33. Mobile Critical Care Paramedic (MCCP) -- A person licensed as a paramedic who has completed additional state-approved education and meets other requirements to provide Critical Care Transport.

2.34. NEMSIS – The National Emergency Medical System Information System.

2.35. Non-Public EMS Response Entity -- A licensed EMS agency which provides EMS to a specific population and geographic area, including, but not limited to, industrial sites and military operations. The service is not accessible by or available to the general public.

2.36. OEMS -- The Office of Emergency Medical Services as created by statute in W. Va. Code §16-4C-4.

2.37. Official Representative -- An individual assigned by the licensed EMS agency with signature authority to represent the licensed EMS agency.

2.38. Offline Medical Direction -- The component of medical oversight provided to EMS personnel and agencies including, but not limited to, medical treatment protocols and guidelines, triage protocols, destination protocols, policies and procedures, determination of EMS personnel scopes of practice, privilege to practice, medical command center operation, and other issues of a medical nature.

2.39. Online Medical Direction -- The medical direction given by personnel at an approved Medical Command Center to EMS personnel at the time of an EMS incident, by voice or other means, as established by OEMS protocols and guidelines.

2.40. Paramedic -- A person licensed as a Paramedic.

2.41. PCR – Patient Care Reports.

2.42. Patient Transportation -- Movement or transfer of a patient from any location to another by an EMS vehicle licensed by OEMS.

2.43. Pilot-in-Command -- A person who possesses appropriate Federal Aviation Administration credentials and who, pursuant to this rule, is responsible for the operation of an air ambulance.

2.44. Preliminary criminal history background check -- A report from a criminal history record system maintained by federal or state governmental agencies, the source of which is approved by the Secretary, that is based on a method of positive identification other than fingerprint identification.

2.45. Primary patient caregiver -- A person licensed pursuant to this rule who has primary authority and responsibility for the care of patients with respect to the provision of EMS on a particular EMS incident.

2.46. Privilege to practice -- Authority to perform those skills and procedures defined within the scope of practice established by the OEMS Medical Direction System for a particular level of licensure granted by the agency medical director with concurrence of the State Medical Director.

2.47. Protocol -- A document developed and approved by the MPCC that describes the diagnostic procedures, treatment procedures, medication administration, and patient care practices that shall be completed by EMS personnel within their scope of practice based upon the assessment of a patient, and the scope of practice of the primary patient caregiver.

2.48. Rapid response -- A form of EMS designed to provide an initial response service to improve EMS incident response time and patient outcome. Rapid response services shall be coordinated as part of a local EMS System or licensed EMS agency. Rapid response EMS personnel operating under the OEMS Medical Direction System, provide on-scene assessment, intervention, and treatment without patient transportation.

2.49. Recertification -- The process by which EMS personnel renew an EMS certificate for which they are or were licensed in this state.

2.50. Regional EMS Medical Director -- A West Virginia licensed physician, recommended by a regional EMS Board of Directors and by the State Medical Director, appointed by the Secretary to oversee medical aspects of EMS within a particular geographic region of the state.

2.51. Scene Flight -- Any aeromedical flight that is not an interfacility transport.

~~2.51.~~ 2.52. SMPMT – Specialized multi-patient medical transport.

~~2.52.~~ 2.53. State Medical Director -- A West Virginia licensed physician, board certified in emergency medicine, with substantial experience in emergency medicine, appointed by the Secretary, to oversee all medical aspects of the OEMS.

§64-48-3. Systems and Operations.

3.1. Local Systems -- County commissions are encouraged to establish local systems consistent with the duty contained in W. Va. Code §7-15-1, *et seq.*, which:

3.1.1. Define a geographical service area; and

3.1.2. Establish the minimum level of service required within the service area and ensures the established level of care is available to all citizens within that service area 24 hours per day and 365 days per year.

3.1.3. Development of a plan describing how the local system will address:

3.1.3.a. The dispatch, coordination and oversight of all agencies and personnel operating within the Local System;

3.1.3.b. The provision of sufficient numbers of permitted and staffed ambulances to provide emergency ambulance coverage to the service area 24-hours per day;

3.1.3.c. The establishment, monitoring, and reporting of system response time standards;

3.1.3.d. Integration with other county emergency management entities in the county's all-hazard disaster plan; and

3.1.3.e. The establishment of a communication system that provides for:

3.1.3.e.1. Public access using the telephone number 9-1-1 within the public telephone network as the primary method to request assistance;

3.1.3.e.2. An emergency communications system operated by public safety telecommunicators with training in the management of calls for emergency medical assistance available 24-hours per day;

3.1.3.e.3. Dispatch of the most appropriate EMS agency or EMS vehicle to any request for assistance in accordance with a written plan for management and deployment of resources, including requests for mutual aid; and

3.1.3.e.4. Two-way voice communications from within the defined service area to the emergency communications center or Public Safety Answering Point (PSAP).

3.1.4. County commission statutory ambulance authorities or other statutory entities charged with the responsibility for providing the service should designate those transporting and non-transporting EMS agencies which are affiliated with the local system.

3.1.4.a. It is not necessary to designate air ambulance agencies and non-public response agencies.

3.1.4.b. Affiliation should be evidenced by a contract, franchise agreement, or other written documentation.

3.1.5. Local systems should designate an official contact person to be the primary contact for OEMS in all matters relating to the local system.

3.2. Data System.

3.2.1. OEMS shall participate in the NEMSIS electronic data collection project. All data collection systems shall be certified NEMSIS compliant for all state required data elements. OEMS shall maintain a list of collection programs approved for use in the state. Additionally, state approved collection programs shall be certified NEMSIS compliant for each EMS agency.

3.2.2. EMS agencies shall collect, maintain, and report accurate patient data for all incidents. Agencies shall complete a PCR for all incidents. PCRs shall be completed and submitted to the state data system following the conclusion of providing services to a patient, in accordance with policies and guidelines established by OEMS.

3.2.3. When an ambulance transports a patient to a medical facility's emergency room or department, at a minimum a patient handoff report, as specified by OEMS, shall be provided to the facility prior to departing. Within 72 hours of the conclusion of providing services to a patient, the EMS agency

shall make a copy of the complete PCR available to the receiving facility, either electronically or written, which shall serve as the official record of the incident.

3.3. Air Ambulance Flight Data.

3.3.1. Dispatch of the appropriate air ambulance to a scene flight shall be based upon the closest distance to the scene as determined by the distance measured in aeronautical miles. In order to maintain licensure as an air ambulance agency, each air ambulance agency must provide the tracker identification associated with each air ambulance operating in the state to all communications centers for the purpose of dispatching the appropriate air ambulance.

3.3.2. OEMS shall have the right to inspect any flight data system maintained by an air ambulance agency containing data related to aeromedical flights occurring within the state and may, at its option, purchase and maintain a state-based flight data system.

3.3.3. Unauthorized alteration of scene flight data by any air ambulance agency or communications center shall constitute a violation of this rule.

§64-48-4. Agencies.

4.1. The Secretary shall evaluate EMS agencies according to this rule.

4.2. Responsibility. -- EMS agencies are responsible for ensuring that vehicles operated and maintained by the agency and personnel associated with the agency comply with this rule at all times.

4.3. License Required. -- A person or entity may not establish or operate and maintain or advertise any service or organization as an EMS agency without a valid OEMS license.

4.4. Display of License. -- The license shall be displayed publicly in the headquarters of the agency.

4.5. Licensed Service Types. -- EMS licenses shall be issued for one or more of the following services:

4.5.1. Rapid response -- BLS;

4.5.2. Rapid response -- ALS;

4.5.3. BLS;

4.5.4. Community paramedicine;

4.5.5. ALS;

4.5.6. Critical care transport;

4.5.7. Rotary wing transport;

4.5.8. Fixed wing transport;

4.5.9. Specialized multi-patient medical transport. This type of service may not be licensed unless the EMS agency provides at least BLS service; and

4.5.10. Fire Department Rapid Response. -- This applies only to fire departments certified by the West Virginia State Fire Commission.

4.5.10.a. A fire department rapid response service that charges a fee for its medical services or transports patients is subject to all licensure requirements and applicable standards of this rule, including the payment of fees.

4.5.10.b. A fire department rapid response service that does not charge a fee for its medical services or transport of patients shall obtain one of the following:

4.5.10.b.1. A license subject to all requirements and applicable standards of this rule, including full inspection and payment of fees; or

4.5.10.b.2. A license subject to requirements and applicable standards of this rule as outlined in subsection 4.10. of this rule.

4.5.10.c. A fire department rapid response service certified by the West Virginia State Fire Commission is not subject to licensure as described in this rule if it only provides BLS services pursuant to an agreement with an EMS agency that addresses medical direction, training, quality assurance, and liability insurance.

4.6. Advertising. -- EMS agencies shall not advertise, in print, electronic, or other media for public consumption, any service for which they are not licensed. Aeromedical agencies may not solicit direct flight requests for service from the general public. Agencies may advertise for personnel or other community-oriented activities.

4.7. Application.

4.7.1. The EMS agency shall submit an application to OEMS for a license, in a format specified by the Secretary, prior to agency inspection.

4.7.2. Any EMS agency seeking to make changes in the level of service, service area, station locations, or number of vehicles shall submit an application in a format specified by the Secretary, prior to making the change.

4.7.3. Management of an EMS agency includes those serving as Official Representative, Medical Director, or Training Officer. Any changes to management require a revised application to be submitted within 10 days of the change.

4.8. Verification. -- The Secretary may use any lawful investigatory means necessary to verify information contained in an application.

4.9. License Issuance. -- The Secretary will determine whether an applicant should be issued a license based upon: the applicant's previous record of performance in the provision of a similar service; the resources available to the applicant for the provision of services; an objective measurement of the applicant's compliance with requirements and standards of this rule; and evidence of the applicant's

current compliance with all state, local, and federal obligations, including, but not limited to, taxes and worker's compensation obligations.

4.10. Inspection. -- The Secretary may inspect all places of operation of an EMS agency or proposed EMS agency, at any time, for compliance with this rule.

4.10.1. The inspection is in addition to other federal, state, or local inspections required by law.

4.10.2. The inspection will include all places of operations and all records of the EMS agency or proposed EMS agency.

4.10.3. The Secretary may inspect, but not copy or maintain, records of a protected status.

4.10.4. Fire department rapid response agency inspection:

4.10.4.a. The official representative of the agency, as indicated on the application, shall verify the applicant's compliance with the requirements of this rule and sign and attest to compliance before a notary public.

4.10.4.b. The Secretary may inspect all places of operation of an existing or proposed fire department rapid response service for compliance with this rule. The inspection is in addition to other federal, state, or local inspections required by law. The Secretary may inspect, but not copy or maintain, records of a protected status.

4.10.4.c. Inspections will be conducted at no cost to the applicant.

4.11. Place of Operations. -- EMS agencies shall comply with the following requirements pertaining to all places of operations:

4.11.1. Storage. -- The EMS agency shall provide adequate and clean storage spaces in an enclosed area for equipment and supplies. These storage spaces must be constructed to permit thorough cleaning;

4.11.2. Supplies. -- The EMS agency shall maintain medical supplies required for all the classes of vehicles operated by the agency;

4.11.3. Sanitary Requirements. -- All areas used for storage of equipment and supplies must be kept neat, clean, and sanitary. Plastic bags or enclosed containers shall be provided for soiled supplies;

4.11.4. Living Quarters. -- If crews are required to work 24-hour or greater-length shifts, appropriate quarters shall be provided. These quarters shall meet standards established by W. Va. Code §21-3-1, Safety and Welfare of Employees, and others established by the Secretary; and

4.11.5. Medical Waste. -- All forms of medical waste must be stored and disposed of according to W. Va. Code §20-5J-1, *et seq.* and Department of Health Legislative Rule, "Infectious Medical Waste," 64CSR56.

4.12. Operational Policies and Procedures. -- EMS agencies shall maintain current written operational policies and procedures which are subject to inspection by the Secretary. Required policies

and procedures include, but are not limited to, operation and maintenance of services; equipment and facilities management; health and safety practices for personnel; patient safety; a medication management plan compliant with federal and state requirements; infection control practices; anti-harassment; vehicle operations; and personnel management. Additional aeromedical agency requirements include: a contemporaneous flight following plan used in all phases of flight operations; a notification policy for requesting agencies and facilities which includes estimated time of arrival, any changes in time or flight status; a routinely drilled post accident/incident plan; a policy to reduce "helicopter shopping" including appropriate pre-flight screening and cooperation with other aeromedical providers; and a customer education program addressing patient preparation, landing zone management, and customer safety around the aircraft and equipment.

4.13. Records. -- EMS agencies are responsible for the preparation and maintenance of records. All records are subject to inspection by the Secretary. Records must be stored in a manner as to provide reasonable safety from water and fire damage and from disclosure to persons other than those authorized by law. Secure storage must be provided for all medical records. EMS agencies shall comply with data collection and reporting requirements in subsection 3.2. of this rule. The EMS agency shall prepare and maintain for a period of not less than seven years the following records:

4.13.1. Personnel records documenting training, qualifications, and licensure for positions held; and

4.13.2. Records for each EMS vehicle including vehicle registration records, records of safety inspections, repair, and crash incident reports as specified by the Secretary;

4.14. Insurance. -- Each EMS agency shall have in effect, maintain, and furnish proof of errors and omissions insurance as required by W. Va. Code §16-4C-16, and current insurance policies for all EMS vehicles operated by the agency.

4.15. Non-Discrimination. -- EMS agencies shall maintain a written policy to prohibit the refusal of emergency response, treatment, and transportation of patients to the nearest appropriate facility on incidents with potentially critical illness or injury, regardless of the patient's age, gender, ethnicity, or ability to pay for services.

4.16. Public Access. -- An EMS agency shall provide a publicly listed telephone number to receive requests for service from the general public within its regular operating area.

4.16.1. The primary emergency number shall be 9-1-1.

4.16.2. Secondary telephone numbers may be provided for the provision of non-emergency services.

4.16.3. An EMS agency that, according to written policy, does not respond to calls from the general public and responds only to calls from a defined, closed population, such as the population of an institution, an industrial plant, facility, or a university, is not required to provide a publicly listed telephone number. These agencies shall provide a telephone number that is known to the defined population served and is answered during all periods when that population may require service.

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4.17. Availability. -- EMS agencies shall ensure that service for which they are licensed is available to the public or population served within their regular operating area on a 24-hour continuous basis either by providing the service themselves or by written agreement with another licensed EMS agency.

4.18. Communications. -- Communication systems must comply with state and federal rules, regulations, policies, and protocols.

4.19. Performance Improvement. -- EMS agencies shall comply with the minimum performance improvement program established by the Secretary.

4.20. Standards. -- In addition to the requirements set forth in this rule, the Secretary will score the EMS agency or proposed EMS agency according to the standards contained in subsections 4.21. through 4.31. Certain standards, as determined by the Secretary, may not apply to an EMS agency depending on the type of service provided or population served.

4.21. Level of Service. -- EMS agencies that have been licensed by the Secretary are subject to a rating system based upon the following evaluations and point scores:

4.21.1. ALS staffed and equipped EMS vehicles are dispatched on all emergency requests for service, or a community paramedic dispatch program or, a tiered response is dispatched based on criteria from an OEMS recognized Emergency Medical Dispatch program: 15 points.

4.21.2. ALS services are available only on a part-time basis: 10 points.

4.21.3. BLS services only are available: five points.

4.22. Medical Accountability.

4.22.1. Offline Medical Direction.

4.22.1.a. The agency medical director(s) has a written contract with the EMS agency outlining duties and responsibilities and is actively involved with the agency through direct participation in activities, including, but not limited to, oversight of training, skills maintenance, and recertification as established by OEMS and the MPCC; clinical performance evaluation, and the performance improvement process as evidenced by documented participation in quarterly, or more frequent, meetings with agency officials and personnel: 10 points; or

4.22.1.b. The medical director(s) has a written contract with the EMS agency outlining duties and responsibilities with minimal evidence of active involvement with the agency: five points.

4.22.2. Performance Improvement. -- The EMS agency demonstrates commitment to performance improvement as evidenced by activities substantially exceeding state minimum requirements described in subsection 4.19. of this rule: 15 points.

4.23. Rapid Response.

4.23.1. The EMS agency has a rapid response program which routinely places trained and equipped personnel on the scene of potential life-threatening emergencies prior to the arrival of an ambulance, in accordance with policies and guidelines established by OEMS: five points; or

4.23.2. The EMS agency has formalized rapid response capabilities provided irregularly or is not available in all parts of the service area: two points.

4.24. Public Education and Information.

4.24.1. The EMS agency has community presence which is documented through provision of public education and community service programs for the covered population. The EMS agency offers the activities quarterly, or more often, and actively participates with outside organizations and groups: five points; or

4.24.2. The EMS agency provides limited or intermittent education or service programs within the community: one point.

4.25. Disaster Capability.

4.25.1. Disaster Plan. The EMS agency has a current, written all-hazards plan for disaster response which is integrated with adjacent providers and emergency management officials. The plan is compliant with current federal and state emergency planning and operational standards: five points.

4.25.2. Disaster Drills. The EMS agency conducts, or participates in, disaster drills with adjacent EMS agencies, other emergency response entities, and county emergency management agencies at least annually: five points.

4.26. Mutual Aid.

4.26.1. The EMS agency maintains current written mutual aid agreements addressing all aspects of reciprocal service provision with all adjacent EMS agencies or operates under written mutual aid guidelines established by the Local System: five points.

4.26.2. The EMS agency has limited-scope mutual aid agreements or does not have them with all adjacent EMS agencies: one point.

4.27. Personnel.

4.27.1. Job Descriptions. -- The EMS agency maintains current written job descriptions for all positions within the agency: three points.

4.27.2. Recruitment. -- The EMS agency uses a formal, documented recruitment program to actively recruit new personnel: three points.

4.27.3. Personnel Screening. -- The EMS agency screens and selects applicants with a formal, documented, objective process: three points.

4.27.4. Orientation. -- The EMS agency uses a formal orientation process with documented completion of specific stated objectives. Documentation of completion is maintained in each personnel file: three points.

4.27.5. Retention. -- The EMS agency uses a formal, documented retention program to aid in retention of qualified personnel: three points.

4.28. Education and Training.

4.28.1. Personnel Education.

4.28.1.a. The EMS agency provides education for all personnel levels within the agency. Educational offerings exceed minimum recertification requirements and include at least one program leading to original certification: 15 points;

4.28.1.b. The EMS agency provides, in-house or makes available, training activities meeting all minimum recertification requirements for all personnel levels within the agency: 10 points; or

4.28.1.c. The EMS agency provides some in-house training activities meeting some recertification requirements for personnel: five points.

4.28.2. Training Officer's Program. The EMS agency participates fully in the state-approved training officers' program with a qualified designated agency training officer and offers in-house continuing education programs a minimum of two times per year: 10 points.

4.29. Financial. -- The following shall be prepared according to generally accepted accounting practices:

4.29.1. Budget. -- The EMS agency has an approved, written operating and capital expenditures budget which includes projected income and expenses, actual income and expenses, and an accounting of budget variances. Budget reports are provided quarterly, at a minimum, to the agency's governing body or ownership, management personnel, and other significant stakeholders: five points.

4.29.2. Financial Stability. -- The EMS agency is financially viable as evidenced by:

4.29.1.a. A full financial audit or quarterly articulated financial statements provided by an independent accounting firm during the license period: 10 points;

4.29.1.b. A financial review conducted by an independent entity within the license period: five points; and

4.29.1.c. Interim articulated financial statements: two points.

4.29.2. Financial Responsibility. -- The EMS agency has formally designated individuals with financial responsibility. Individuals with financial responsibility shall be appropriately insured or bonded: five points.

4.30. Facilities and Equipment.

4.30.1. Facilities Maintenance Program. -- The EMS agency uses a documented, comprehensive program of routine inspection and preventive maintenance for all agency facilities: five points.

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4.30.2. Vehicle Maintenance Program. -- The EMS agency uses a documented, comprehensive program of routine inspection and preventive maintenance performed by qualified personnel for all EMS vehicles: five points.

4.30.3. Medical Equipment. -- The EMS agency uses a documented, comprehensive program of routine inspection and preventive maintenance performed by qualified personnel for all medical equipment: five points.

4.31. Accountability and Stability.

4.31.1. Government Support and Recognition.

4.31.1.a. The responsible county commission statutory ambulance authority or other statutory entity charged with the responsibility for providing the service formally recognizes the agency as part of the Local System and provides sufficient resources to support agency operations: five points; or

4.31.1.b. The agency is formally recognized by the responsible county commission, statutory ambulance authority, or other statutory entity charged with the responsibility for providing the service as part of the Local System but receives minimal support: two points.

4.31.2. Organization and Management:

4.31.2.a. The agency is formally and legally organized with clear lines of managerial authority and responsibility as evidenced by an agency charter or articles of incorporation, current written by-laws, current registration with the Secretary of State, current organizational charts, policies, etc.: five points.

4.31.2.b. Management Education -- EMS agency management personnel have documented education in EMS management practices and procedures. Continuing education in management practice is required and participation of current management personnel is documented: five points.

4.32. The Secretary may issue a license according to W. Va. Code §16-4C-6a, provided the information contained in the application is complete and correct, and the applicant is determined eligible for licensure by the Secretary in accordance with this rule.

4.33. The Secretary will notify the EMS agency in writing of the findings of the inspection and, if the inspection is approved, issue an EMS agency license within 60 days of receipt of application and completion of agency and vehicle inspections.

4.34. An EMS agency license will include the following information:

4.34.1. The name and address of the EMS agency;

4.34.2. The name of the official representative of the EMS agency;

4.34.3. All levels of service for which the agency is licensed; and

4.34.4. The issue and expiration dates of the license.

4.35. The standards ratings and renewal periods are determined as follows:

4.35.1. "A" rating -- a score of 90 percent or higher of applicable points. A four-year license shall be issued.

4.35.2. "B" rating -- a score of between 80 percent and 89 percent of applicable points. A three-year license may be issued.

4.35.3. "C" rating -- a score of between 70 percent and 79 percent of applicable points. A two-year license may be issued.

4.35.4. "F" rating -- a score of less than 70 percent of applicable points. No license shall be issued.

4.35.5. "Provisional" rating -- a score of greater than 70 percent of applicable points earned by a new agency. A six-month license may be issued; and

4.35.6. Extension of license -- The Secretary may extend, as necessary, an agency license for a period of not greater than six months from the date of expiration.

4.36. Review of Preliminary Agency Inspection Findings.

4.36.1. When a preliminary inspection report is completed, the OEMS inspector and the agency official representative will meet to discuss the findings. The agency official representative must either concur with the findings or present documentation or facts disputing any portion of the preliminary inspection report.

4.36.2. In the case of disputed findings the OEMS inspector may concur with the information provided and revise the findings appropriately or refer the preliminary inspection report, along with all documentation presented by the official representative, to the Director of OEMS for review.

4.36.2.a. The Director may either uphold the inspector's findings or modify the findings based on the facts presented.

4.36.2.b. The Director will communicate his or her action to the agency principal official within 10 days of receiving the preliminary inspection report and associated documentation.

4.37. Plan of Improvement.

4.37.1. An EMS agency may submit a plan of improvement to improve the rating upon receipt of a final license inspection report.

4.37.2. A plan of improvement will only be applicable to the standards section of a final license inspection report.

4.37.3. The agency has 10 working days from receipt of the final license inspection report to notify OEMS of intent to submit a plan of improvement.

4.37.4. The proposed plan of improvement will be submitted within 15 days of initial notification.

4.37.5. Plans of improvement must include:

4.37.5.a. Standards to be addressed;

4.37.5.b. Specific improvement strategies to be implemented;

4.37.5.c. The desired outcome of the proposed improvements; and

4.37.5.d. A proposed implementation period.

4.37.6. The Secretary has 10 working days to approve or reject the plan.

4.37.7. The Secretary must specify the areas of the plan he or she rejected.

4.37.8. In the event the plan is rejected, the agency may submit a revised plan within 10 working days of receipt of notice of the plan's rejection.

4.37.9. Once an improvement plan is approved, the agency will complete the proposed improvements within the agency's specified implementation period.

4.37.10. Upon completion of the improvement period, OEMS will re-inspect the specific standards proposed for improvement.

4.37.11. If, as a result of re-inspection, standards ratings improve, the Secretary will issue a new license reflecting the change.

4.37.12. If, as a result of re-inspection, there is no improvement, the original license rating will stand without opportunity for further review until the next inspection period.

4.38. Alternative Licensing Method.

4.38.1. In lieu of the requirements set forth in this section, the Secretary may recognize an agency evaluation by a nationally recognized EMS agency accrediting body as meeting state licensing requirements; Provided: That the nationally recognized EMS agency meets or exceeds state requirements, as determined by the Secretary;

4.38.2. An OEMS inspector will accompany accreditation officials during the site visit to the EMS agency;

4.38.3. The accrediting body will provide a copy of the findings of the accreditation site visit directly to OEMS; and

4.38.4. Agencies seeking alternative licensing are subject to the fees set forth in subsection 4.39. of this rule.

4.39. Agency Fees. -- Non-refundable fees for agency license and vehicle permits are due upon receipt of the invoice. Fees are:

4.39.1. Original agency license application, \$500.

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4.39.2. Renewal fee for each agency licensing period, \$300, except that no additional fee shall be charged to provisional licensees.

4.39.3. Yearly EMS vehicle permit, \$200 per vehicle. Non-transporting vehicles are exempt from this fee.

4.39.4. Agency license modification, including revision based upon a plan of improvement, \$100. A change of official representative, medical director, training officer, postal address, or other contact information is exempt from this fee.

4.39.5. Fees must be paid to the West Virginia Department of Health in a manner specified by the Secretary.

§64-48-5. Vehicles.

5.1. General Requirements.

5.1.1. Unless specified differently herein, ground ambulances must meet applicable U.S. Government Services Agency or subsequent federally approved specifications at the time of the vehicle's manufacture.

5.1.2. Each EMS vehicle must be maintained in good repair and operating condition and shall have a current state inspection if required by the state issuing the vehicle license.

5.1.3. EMS vehicles may not be maintained or operated except by a licensed EMS agency. United States government EMS vehicles are exempt from this requirement.

5.1.4. The EMS agency may exercise emergency operating privileges, including the use of audible and visible emergency warning devices, only during response to the location of an emergency call, while at the location, and during transportation of a patient. Operation of these devices must be in compliance with W. Va. Code §17C-2-5.

5.1.5. All operators of ground EMS vehicles shall meet the requirements of paragraphs 6.7.1.i, 6.7.1.j., and 6.7.1.k. of this rule, in addition to minimum standards established for the individual's level of licensure.

5.1.6. Sanitation. -- The following requirements for sanitary conditions apply to all EMS vehicles:

5.1.6.a. The interior of EMS vehicles, including all storage areas, linens, equipment, and supplies must be clean and sanitary;

5.1.6.b. Freshly laundered linen or disposable sheets and pillow cases must be used during the transporting of patients and shall be changed after each use;

5.1.6.c. Pillows and mattresses used in EMS vehicles must be clean and in good repair;

5.1.6.d. Plastic bags, covered containers, or compartments must be used for the storage of soiled supplies and used disposable items. Biohazard bags clearly marked with the biohazard symbol shall be used for infectious waste;

5.1.6.e. Exterior surfaces must be clean;

5.1.6.f. Blankets used in EMS vehicles must be clean and replaced after use;

5.1.6.g. Single use devices or supplies must be stored in a sterile manner and appropriately disposed of after use. Reusable items must be sterilized in accordance with current medical practices;

5.1.6.h. Waterless antibacterial hand cleaner must be available on each EMS vehicle;

5.1.6.i. A bleach or disinfectant solution, approved by the United States Centers for Disease Control, must be available on EMS vehicles for cleaning purposes;

5.1.6.j. A disposal container for used sharp items must be available on each EMS vehicle; and

5.1.6.k. The EMS agency shall ensure that, when EMS vehicles are used to transport a patient with an infectious disease, all interior contact surfaces must be cleaned and disinfected prior to being occupied by another patient.

5.1.7. Equipment and Supplies. -- The EMS agency shall ensure that each EMS vehicle has all required equipment and supplies necessary for the level of service being provided while en route to an incident, at the scene, and during transport of a patient.

5.1.7.a. The EMS agency shall ensure that vehicle equipment is maintained in good working operation at all times.

5.1.7.b. The EMS agency shall ensure that supplies are restocked as necessary to maintain the minimum requirements during each response.

5.1.8. The operator's compartment must accommodate safe operation of the EMS vehicle.

5.1.9. Safety belts must be available and operational for all seat positions in EMS vehicles; no shoulder harness-type restraints are allowed on side-facing seat positions.

5.1.10. All EMS vehicles must have a lockable storage compartment for medications in accordance with federal Drug Enforcement Administration regulations.

5.1.11. Exterior Vehicle Marking Requirements:

5.1.11.a. All ground ambulances purchased on or after July 1, 2018, shall be consistent with 2017 reflective marking standards published by the Commission on Accreditation of Ambulance Services (CAAS).

5.1.11.b. An EMS vehicle may only be lettered with the terms "Paramedic," "Advanced Life Support," "Critical Care Transport," or similar service-level designations when the vehicle is licensed by OEMS for that level of service.

5.1.11.c. The public access emergency telephone number 9-1-1 must be displayed on the ambulance. SMPMT and non-public access EMS vehicles may display a different number.

5.1.11.d. Emergency warning lights must be visible from all four sides of the vehicle.

5.1.11.e. One or more audible warning devices must be installed to provide adequate audible warning.

5.1.11.f. All EMS vehicles must have communications equipment which provides voice communication between the vehicle and its dispatch center, other EMS vehicles of the same EMS agency, and medical command. Communication equipment must be operational and compatible with the EMS communication system and comply with state and federal rules, regulations, policies, and protocols.

5.1.12. Inspection. -- All EMS vehicles are subject to inspection by the Secretary for compliance with this rule at any time and without prior notification. This inspection is in addition to other inspections required for EMS vehicles by federal, state, or local law, rules, and regulations.

5.2. Non-Transporting EMS Vehicles.

5.2.1. The EMS agency may use non-transporting EMS vehicles intended for the immediate movement of personnel and equipment to the location of an incident. Personally owned vehicles (POVs) may be used for similar purposes and are exempt from this rule, provided that they are authorized by the official representative of the licensed EMS agency. POVs and their operators are subject to requirements of the Division of Motor Vehicles and OEMS Emergency Vehicle Permit program.

5.2.2. Non-transporting EMS vehicles may not be used for the transportation of patients, except in the case of a disaster.

5.3. Transporting EMS Vehicles, excluding SMPMT vehicles, must meet the following requirements:

5.3.1. Transporting EMS vehicles are used for the delivery of basic or advanced life support or critical care transport. The equipment, supplies, and staffing required are dependent upon the level of service being provided on a particular incident as specified in the Medical Direction System's policy, protocols, and scope of practice. Transporting EMS vehicles may be used to deliver services at the level at which they are certified or below. Transporting EMS vehicles may not deliver services at levels exceeding that at which they are certified.

5.3.2. Staffing is dependent upon the level of service being provided on a particular incident as specified in the Medical Direction system's policy, protocols, and scope of practice and appropriate staff shall be onboard at all times during patient treatment and transport:

5.3.2.a. BLS -- at a minimum a licensed EMVO and EMT;

5.3.2.b. ALS -- at a minimum a licensed EMVO and AEMT or Paramedic, provided that individual protocols may specify alternative staffing as specified by the OEMS Medical Direction System.

5.3.2.c. Critical care transport -- at a minimum a licensed EMVO and two MCCPs, or one MCCP and one MCCN as required by treatment guidelines and policies specific to the individual patient's care requirements as specified by the OEMS Medical Direction System. Hospital-based specialty medical personnel may replace one of the licensed personnel for the purpose of providing a higher level of care required by a particular patient.

5.3.2.d. The minimum equipment and supplies required are dependent upon the level of service being provided on a particular incident as specified in OEMS's policy, protocols, and scope of practice and shall be onboard at the time of response and during patient treatment and transport.

5.4. Air Ambulance. -- There shall be two categories, one for rotary wing aircraft and one for fixed wing aircraft. All EMS agencies engaging in air ambulance service under this rule shall operate in accordance with Federal Aviation Administration rules, 14 CFR Part 135.

5.4.1. Rotary Winged Aircraft.

5.4.1.a. A rotary winged aircraft is intended for response to the location of an EMS incident or for inter-facility transportation of patients.

5.4.1.b. The aircraft patient compartment must accommodate at least two medical personnel who must have access to the patient's head and upper body from a seat-belted position while in flight and at least one stretcher patient; and:

5.4.1.b.1. Provide necessary space to ensure that the patient's airway is maintained and to provide adequate ventilator support from a secured, seat-belted position of medical personnel; and

5.4.1.b.2. Be configured to allow medical personnel to have full-body patient view and access, and access to equipment and supplies to initiate basic, advanced, and critical care life support emergency procedures while in flight.

5.4.1.c. The cockpit must be configured so that flight controls and pilot communications equipment are protected from intended or accidental interference by the patient or medical equipment and supplies.

5.4.1.d. Door openings must accommodate the loading of a stretcher without compromising the stability of the patient or the functioning of monitoring systems, intravenous lines, and manual or mechanical ventilation;

5.4.1.e. A visible warning device may be installed on the underside of the aircraft to provide adequate day and night emergency warning. An audible warning device may be installed to provide adequate emergency warning and external voice communications;

5.4.1.f. Patient area lighting may not interfere with the safe operation of the aircraft; and

5.4.1.g. The aircraft must have communications equipment which provides voice communications between the aircraft and its base of operation, between the aircraft and other EMS aircraft of the same EMS agency for which this requirement applies and between the aircraft and a Medical Command Center. The communications equipment must be operational and compatible with the communications system and comply with state and federal rules, regulations, policies, and protocols.

5.5. An EMS Agency may use rotary winged aircraft for the delivery of critical care transport. The equipment, supplies, and staffing required are dependent upon the level of service being provided on a particular incident as specified in the Medical Direction System's policy, protocols, guidelines, and scope of practice.

5.5.1. Staffing requirements are determined by the level of service being provided on a particular incident as specified in the Medical Direction System's policy, protocols, and scope of practice. The following must be onboard at all times during patient treatment and transport:

5.5.1.a. Critical care transport -- a minimum of a pilot-in-command and one MCCP and one MCCN. Hospital-based specialty medical personnel may replace one of the licensed EMS personnel for the purposes of providing a higher level of care required by a particular patient;

5.5.1.b. The minimum equipment and supplies as defined by OEMS policy are determined by the level of service being provided on a particular incident and must be onboard at the time of response and during patient treatment and transport.

5.5.2. Fixed Wing Aircraft.

5.5.2.a. A fixed wing aircraft is primarily intended for extended air transport between medical facilities within the state or across state boundaries.

5.5.2.b. The aircraft patient compartment must accommodate at least two medical personnel who must have access to the patient's head and upper body from a seat-belted position while in flight and at least one stretcher patient and:

5.5.2.b.1. Provide necessary space to ensure that the patient's airway is maintained and to provide adequate ventilator support from a secured, seat-belted position of medical personnel.

5.5.2.b.2. Be configured to allow medical personnel to have full-body patient view and access, and access to equipment and supplies to initiate basic, advanced, and critical care life support emergency procedures.

5.5.2.c. The cockpit must be configured so that flight controls and pilot communications equipment are protected from intended or accidental interference by the patient or medical equipment and supplies.

5.5.2.d. Door openings must accommodate the loading of a stretcher without compromising the stability of the patient or the functioning of monitoring systems, intravenous lines, and manual or mechanical ventilation.

5.5.2.e. Patient area lighting may not interfere with the safe operation of the aircraft.

5.5.2.f. All aircraft must have communications equipment which provides voice communications between the aircraft and its base of operation and voice communications between the aircraft and other aircraft of the same EMS agency for which this requirement applies and between the aircraft and its Medical Command Center. The communications equipment must be operational and compatible with the communications system and comply with state and federal rules, regulations, policies, and protocols.

5.5.2.g. Staffing is determined by the level of service being provided on a particular incident as specified by Medical Direction System's policy, protocols, and scope of practice and appropriate staff shall be onboard at all times during patient treatment and transport:

5.5.2.g.1. BLS. -- a minimum of a pilot-in-command and an EMT;

5.5.2.g.2. ALS. -- a minimum of a pilot-in-command and Paramedic, provided that individual protocols may specify alternative staffing as specified by the OEMS Medical Direction System;

5.5.2.g.3. Critical care transport. -- a minimum of a pilot-in-command and two MCCPs, or one MCCP and one MCCN based on treatment guidelines and policies as specified by the OEMS Medical Direction System. Hospital-based specialty medical personnel may replace one of the licensed EMS personnel for the purpose of providing a higher level of care required by a particular patient.

5.5.2.g.4. The minimum equipment and supplies as defined by OEMS policy are determined by the level of service being provided on a particular incident and must be onboard at the time of response and during patient treatment and transport.

5.6. SMPMT vehicles:

5.6.1. A SMPMT vehicle is used to transport patients, with a medical history and no apparent immediate need for any level of medical supervision, to and from scheduled medical appointments.

5.6.2. SMPMT vehicles must be maintained in good repair and operating condition and have a current state inspection, if required by the state issuing the vehicle license.

5.6.3. The interior of SMPMT vehicles, including all storage areas, equipment, and supplies must be clean and sanitary;

5.6.4. Safety belts must be available and operational for all seat positions in SMPMT vehicles.

5.6.5. SMPMT vehicles shall not be equipped with any form of stretcher.

5.6.6. An EMS agency may not use a SMPMT vehicle for delivery of basic or advanced life support, except in the case of a disaster.

5.6.7. SMPMT vehicle specifications include the following:

5.6.7.a. The vehicle may be a commercial passenger van or specially modified passenger van. Passenger sedans, limousines, recreational vehicles, and sport utility vehicles with fewer than three passenger doors and a wheelbase of less than 100 inches are not permitted.

5.6.7.b. The name of the agency must appear on both sides and the back of the vehicle in four inch minimum-height letters. Clearly readable logos or emblems are acceptable.

5.6.7.c. A contact phone number, other than 9-1-1, may appear on the vehicle.

5.6.7.d. Neither the word ambulance nor other emergency designation must appear on the vehicle; Provided: That such appearing as part of the name of the agency shall be exempt.

5.6.7.e. A Star of Life is not permitted on the vehicle.

5.6.8. Equipment and supplies for SMPMT vehicles include:

5.6.8.a. Communications equipment which provides voice communications between the vehicle and its dispatch center; and

5.6.8.b. The minimum equipment and supplies required are as specified in OEMS's policy.

5.6.9. All SMPMT vehicles must be inspected by OEMS.

5.6.10. SMPMT vehicles must be staffed with one person who shall be licensed, at a minimum, as an EMVO pursuant to subsection 6.7. of this rule.

§64-48-6. Personnel.

6.1. Minimum Eligibility Requirements. -- An applicant for certification, and a license holder, shall:

6.1.1. Be at least 18 years of age. EMRs and EMTs must be at least 16 years of age or older. Persons under 18 years of age may not serve as primary patient care attendant or driver of any EMS vehicle;

6.1.2. Be neat and clean in appearance;

6.1.3. Possess the ability to speak, read, comprehend, and write the English language;

6.1.4. Possess the physical and mental abilities to independently perform all relevant EMS skills including, but not limited to, performing physical assessments, providing appropriate patient care, calculating medication dosages, communicating effectively, and documenting patient care activities;

6.1.5. Possess the manual dexterity and fine motor skills required to perform all patient care functions;

6.1.6. Possess the ability to bend, stoop, crawl, and walk on uneven surfaces; and

6.1.7. Meet minimum vision requirements to operate a motor vehicle in this state.

6.2. Standards of Conduct.

6.2.1. Licensed personnel shall comply with all applicable rules, policies, and procedures implemented by OEMS.

6.2.2. Licensed personnel shall comply with all federal, state, and local laws.

6.2.3. Licensed personnel may not be impaired by legal or illegal drugs or intoxicating substances while on duty, when responding to or operating at incidents, and when engaged in any patient care activities.

6.2.4. Licensed personnel may not misrepresent themselves as authorized to perform a level of care for which they are not currently licensed or authorized nor provide that care. However, students

currently enrolled in an approved education program when properly authorized and supervised may provide care for which they are trained.

6.2.5. Licensed personnel may not obtain, aid, or encourage another person or entity to obtain agency licensure, vehicle permits, licensure, certification, endorsement, or designation through fraud, deceit, forgery, or other misrepresentation or falsification of information.

6.2.6. Licensed personnel may not make false statements or misrepresentations, file false credentials, or conceal or omit information from OEMS regarding an application for agency licensure, vehicle permitting, licensure, certification, endorsement, or investigation.

6.2.7. Licensed personnel may not alter or change the appearance or wording of any license, permit, certificate, endorsement, designation, patient care record, or other official documents for the purpose of fraud, deceit, forgery, or other deliberate misrepresentation or falsification of information.

6.2.8. Licensed personnel may not possess, remove, use, or administer any controlled substances, medications, medication delivery devices, or other regulated medical devices from any EMS agency, EMS vehicle, health care facility, academic institution, or other location without documented authorization.

6.2.9. Licensed personnel may not discriminate in the provision of EMS based on race, gender, religion, age, national origin, medical condition, or any other reason prohibited by law.

6.2.10. Licensed personnel may not engage in illegal harassment of patients or coworkers.

6.2.11. Licensed personnel may not disclose medical information regarding any patient without that patient's consent, except that information required for continuation of treatment, for payment purposes or operations, including quality review investigations and training, or by mandate of a legally issued subpoena or lawful court order.

6.2.12. Licensed personnel shall disclose illegal, unethical acts and conduct of EMS personnel or agencies to OEMS.

6.2.13. Licensed personnel shall possess state issued credentials while on duty, when responding to or operating at EMS incidents, and when engaged in any patient care activities.

6.2.14. Licensed personnel shall report to OEMS and to their affiliated EMS agencies within 10 days any arrest, indictment, misdemeanor or felony conviction, or revocation, suspension, or other disciplinary sanction of a certificate or other privilege to practice any health care profession or occupation in any state or exclusion from federal reimbursement programs.

6.3. Certification Requirements. -- In addition to the requirements of subsection 6.1. of this rule, an applicant for an EMD, EMR, EMT, AEMT, or Paramedic, license shall:

6.3.1. Apply in a format prescribed by the Secretary;

6.3.2. Submit the appropriate fees as described in subsections 6.8. and 6.9. of this rule;

6.3.3. Continuously meet all requirements for EMS personnel as described in this rule;

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6.3.4. Disclose any limitations or exclusions by an EMS agency, State Medical Director, or any other health care profession certification or licensing authority in any state. The limitations or exclusions may be considered by the Secretary prior to issuance of licensure in West Virginia;

6.3.5. Possess valid CPR certification prescribed by the Secretary;

6.3.6. Submit to a criminal history check and the results of the criminal background check do not indicate that the applicant:

6.3.6.a. Demonstrates an inability or unwillingness to comply with state laws, rules, procedures, etc.; or

6.3.6.b. Poses a threat to public safety, health, or welfare.

6.3.7. Successfully complete an education program appropriate for the level of licensure as prescribed by the Secretary;

6.3.8. Successfully complete a cognitive and skills examination appropriate for the level of licensure as prescribed by the Secretary; and

6.3.9. Meet other requirements established by the Secretary.

6.4. Recertification Requirements. -- An applicant for an EMD, EMR, EMT, AEMT, or Paramedic, license renewal shall:

6.4.1. Apply for recertification during the last year of his or her license period, but no later than 90 days prior to the end of the applicant's license period;

6.4.2. Apply in a format prescribed by the Secretary;

6.4.3. Submit the appropriate fees as described in subsections 6.8. and 6.9. of this rule;

6.4.4. Continuously meet all requirements for personnel as described in this rule;

6.4.5. Disclose any limitations or exclusions by an EMS agency, State Medical Director, or any other health care profession certification or licensing authority in any state. The limitations or exclusions may be considered by the Secretary prior to issuance of license renewal in West Virginia;

6.4.6. Possess valid a CPR certification prescribed by the Secretary;

6.4.7. Complete refresher and continuing medical education prescribed by the Secretary appropriate for the level of licensure;

6.4.8. Demonstrate continued competency via one of the following methods:

6.4.8.a. The applicant shall maintain continuous National Registry certification, or

6.4.8.b. Successfully complete any NREMT cognitive and skills examinations prescribed by the Secretary appropriate for the level of licensure; and

6.4.9. Meet other requirements established by the Secretary.

6.5. Credential Transfer Requirements -- The Secretary may grant licensure, including a temporary license pursuant to subsection 6.13. of this rule, to an individual certified as an EMD, EMR, EMT, AEMT, Paramedic, or equivalent levels, in another U. S. state or territory provided that the individual:

6.5.1. Meets all requirements for the licensure level for which he or she is applying as described in this rule including the submission of the appropriate fee as provided in subsection 6.8. of this rule;

6.5.2. Demonstrates current equivalent education and certification or licensure in another U.S. state or territory, the U.S. military, or a federal agency;

6.5.3. Submits to a criminal history background check and the results of the criminal background check do not indicate that the applicant:

6.5.3.a. Demonstrates an inability or unwillingness to comply with state laws, rules, procedures, etc.; or

6.5.3.b. Poses a threat to public safety, health, or welfare.

6.5.4. Demonstrates competency via one of the following methods:

6.5.4.a. The applicant possesses current National Registry certification at the appropriate level;

6.5.4.b. Previous National Registry certification at the appropriate level with continuous, current, state certification or license with 120 days or more remaining; or

6.5.4.c. Possess a valid state certification or license with 120 days or more remaining, provided that the applicant may be required to successfully complete state cognitive and skills examinations prescribed by the Secretary.

6.5.5. Completes training and education, including West Virginia protocols and scope of practice, at the appropriate level within 120 days;

6.5.6. Meets other requirements established by the Secretary; and

6.5.7. Discloses any limitations or exclusions by an EMS agency, State Medical Director, or any other health care profession certification or licensing authority in any state. The limitations or exclusions may be considered by the Director or Secretary prior to issuance of licensure.

6.6. Certification Period. -- Licensure as an EMD, EMVO, EMR, EMT, AEMT, or Paramedic is valid for a period of two years with expiration dates determined by the Secretary.

6.7. EMVO.

6.7.1. Licensure Requirements. -- The applicant shall:

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6.7.1.a. Apply in a format prescribed by the Secretary;

6.7.1.b. Submit the appropriate fees as described in subsection 6.8. of this rule;

6.7.1.c. Be 18 years of age or older;

6.7.1.d. Possess a valid CPR certification prescribed by the Secretary;

6.7.1.e. Successfully complete hazardous materials awareness training meeting Department of Labor, Occupational Safety and Health Administration (OSHA) 1910.120 requirements or greater;

6.7.1.f. Successfully complete first aid training meeting United States Department of Labor, OSHA 1910.266, appendix B, requirements or greater;

6.7.1.g. Submit to a criminal history background check and the results of the criminal background check do not indicate that the applicant:

6.7.1.g.1. Demonstrates an inability or unwillingness to comply with state laws, rules, procedures, etc.; or

6.7.1.g.2. Poses a threat to public safety, health, or welfare.

6.7.1.h. Disclose any limitations or exclusions by an EMS agency, State Medical Director, or any other health care profession certification or licensing authority in any state. The limitations or exclusions may be considered by the Secretary prior to issuance of license credentials;

6.7.1.i. Possess and maintain a valid driver's license;

6.7.1.j. Not have been convicted of driving under the influence of alcohol or drugs, reckless driving, or other vehicular violation causing bodily injury or death within the two years prior to submitting an application; and

6.7.1.k. Successfully complete an emergency vehicle operator course approved by the Secretary.

6.7.2. Recertification requirements. -- The applicant shall:

6.7.2.a. Apply in a format prescribed by the Secretary;

6.7.2.b. Submit the appropriate fees as described in subsection 6.8. of this rule;

6.7.2.c. Possess valid CPR certification prescribed by the Secretary;

6.7.2.d. Successfully complete hazardous materials awareness training meeting U.S. Department of Labor OSHA 1910.120 requirements or greater;

6.7.2.e. Possess valid first aid certification meeting U.S. Department of Labor OSHA 1910.266, appendix B requirements or greater; and

6.7.2.f. Possess and maintain a valid driver's license.

6.8. Fees. An applicant for EMVO, EMR, EMT, Paramedic, to be deposited in the Emergency Medical Services Agency Licensure Fund, established by the provisions of W. Va. Code §16-4C-6b, shall pay the following non-refundable certification fees:

6.8.1. Initial certification via National Registry or state examination: \$37.50;

6.8.2. Recertification via National Registry maintenance or state process: \$18.75;

6.8.3. Legal recognition: \$100;

6.8.4. Reinstatement:

6.8.4.a. License expired beyond two years: \$100;

6.8.4.b. License suspended or otherwise expired as a result of actions taken per subsection 7.5. of this rule: \$100.

6.8.5. National Criminal Background Check: \$47.50.

6.9. Fees for EMD applicants:

6.9.1. Initial application: \$25.

6.9.2. Recertification: \$25.

6.10. Fee for license modification: \$10.

6.11. Card or license replacement: \$5.

6.12. Late (within 90 days of expiration date) recertification application: additional \$25.

6.13. Temporary Licensure.

6.13.1. Upon application for licensure pursuant to subsection 6.5. of this rule, the Secretary may issue a temporary EMS personnel license to an applicant, with or without examination, who submits to a preliminary criminal history background check and the results of the preliminary criminal background check do not indicate that the applicant:

6.13.1.a. Demonstrates an inability or unwillingness to comply with state laws, rules, procedures, etc.; or

6.13.1.b. Poses a threat to public safety, health, or welfare, when he or she finds that issuance to be in the public interest.

6.13.2. Unless suspended or revoked, a temporary license shall be valid initially for a period not exceeding 120 days and may not be renewed unless the Secretary finds the renewal to be in the public interest.

6.14. AEMT Certification. In the event that the National Registry of Emergency Medical Technicians ceases to recertify individuals with an AEMT certification, the Secretary will either:

6.14.1. Terminate the AEMT certification. Provided: That persons who are certified as an AEMT at the time of the termination of the AEMT certification may continue to provide services pursuant to their certification until the expiration of their certification; or

6.14.2. Establish state certification standards to replace the National EMS Certification.

§64-48-7. Investigative/Disciplinary.

7.1. The Secretary may initiate investigations on his or her own motion, and upon the written complaint of any person, cause investigations to be conducted to determine if disciplinary action is called for, and impose the sanctions upon EMS personnel as described in W. Va. Code §16-4C-9. Reasons for such actions include, but are not limited to:

7.1.1. Failure to comply with any requirements of subsections 6.1. or 6.2. of this rule;

7.1.2. Incompetent practice while providing EMS;

7.1.3. Abuse or abandonment of a patient;

7.1.4. Willful preparation or filing of false medical reports or records, or the inducement of other persons to do so;

7.1.5. Destruction of medical records required to be maintained;

7.1.6. Failure to comply with patient care reporting requirements established by the Secretary;

7.1.7. A willful or consistent pattern of failure to complete details on a patient's medical record;

7.1.8. Having a license, certification, or other authorization to practice a health care profession or occupation revoked, suspended, or subjected to disciplinary sanction;

7.1.9. Improper disclosure of confidential patient information;

7.1.10. Violating a duty imposed by W. Va. Code §16-4C-1 *et seq.*, this rule, or an order of the Secretary previously entered in a disciplinary proceeding; or

7.1.11. Other reasons determined by the Secretary which may pose a threat to the health and safety of the public or expose the public to risk or loss of life or property.

7.2. The Secretary may initiate complaints and investigations and impose the sanctions upon EMS agencies described in W. Va. Code §16-4C-9. Reasons for such actions include, but are not limited to:

7.2.1. Failure to comply with any requirements of section 4 of this rule;

7.2.2. Operating EMS vehicles which fail to comply with section 5 of this rule;

7.2.3. Failure to comply with all applicable rules, policies, and procedures of OEMS;

7.2.4. Disclosure of medical or other information, if prohibited by federal or state law;

7.2.5. Preparation or filing of false medical reports or records, or the inducement of other persons to do so;

7.2.6. Failure to disclose illegal, unethical acts and conduct of EMS personnel or agencies to OEMS;

7.2.7. Failure to report to OEMS, within 10 days, any known arrest, indictment, misdemeanor, or felony conviction, or revocation, suspension, or other disciplinary sanction of a certificate or other authorization to practice any health care profession or occupation in any state for all EMS personnel affiliated with the agency;

7.2.8. Destruction of medical records required to be maintained;

7.2.9. Refusal to render emergency medical care because of a patient's race, gender, creed, national origin, age, disability, medical problem, or financial inability to pay;

7.2.10. Violating a duty imposed by W. Va. Code §16-4C-1 *et seq.*, this rule, or an order of the Secretary previously entered in a disciplinary proceeding; or

7.2.11. Other reasons determined by the Secretary which may pose a threat to the health and safety of the public or exposes the public to risk or loss.

7.3. Investigation. -- The Secretary will conduct an investigation with the intent to obtain appropriate resolution of a complaint.

7.3.1. OEMS may conduct investigations in conjunction with licensed agencies or law enforcement personnel as well as conduct separate and distinct investigations.

7.3.2. OEMS will investigate any and all matters within its jurisdiction, in accordance with established investigative protocols.

7.3.3. If it is determined that OEMS does not have jurisdiction over an investigative matter, OEMS may refer the complaint to another agency or organization having jurisdiction.

7.3.4. Initiation of an OEMS investigation does not release an EMS agency or other responsible entity from performing an internal investigation or imposing sanctions.

7.4. A person who files false or slanderous allegations against EMS personnel is subject to penalties for civil as well as criminal false reporting.

7.5. Disciplinary and Corrective Action. -- The Secretary may impose disciplinary or corrective measures in this rule upon EMS agencies and EMS personnel for non-compliance with this rule. Disciplinary options may include, but are not limited to, one or more of the following:

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- 7.5.1. Administrative penalties of up to \$5,000 per violation;
- 7.5.2. Denial of licensure;
- 7.5.3. Written reprimand;
- 7.5.4. Limitation on the license holder's authorization to practice;
- 7.5.5. Limitation of the EMS agency's license to provide service;
- 7.5.6. Required refresher courses or other education at the individual's expense;
- 7.5.7. A consent agreement;
- 7.5.8. Probation;
- 7.5.9. Suspension;
- 7.5.10. Revocation; and
- 7.5.11. Mandatory participation and successful completion of a detoxification or rehabilitation program at the individual's expense.

7.6. The factors which may be considered by the Secretary when determining the appropriate disciplinary action include, but are not limited to:

- 7.6.1. The nature and severity of the actions under consideration;
- 7.6.2. Any actual or potential harm to the public or public trust;
- 7.6.3. Any actual or potential harm to a patient;
- 7.6.4. The individual's prior disciplinary record;
- 7.6.5. Prior remediation;
- 7.6.6. The number or variety of the actions under consideration;
- 7.6.7. Any aggravating evidence;
- 7.6.8. Any mitigating evidence;
- 7.6.9. Any discipline imposed by OEMS or the State Medical Director, if any, for the same occurrence; and
- 7.6.10. In cases of criminal conviction or arrest, compliance with the terms of the sentence or court ordered conditions.

7.7. Administrative Penalties. -- OEMS may impose an administrative penalty of up to \$5,000 per violation on any licensee or certificate holder found by the preponderance of the evidence to have committed any of the infractions described by this rule.

7.7.1. In assessing penalties, OEMS will give due consideration to the appropriateness of the penalty with respect to factors that include the gravity of the violation, the good faith of the licensee or certificate holder, the history of previous violations, and the totality of the discipline to be imposed.

7.7.2. Penalties shall be paid in a manner prescribed by the Secretary within 60 days of receipt of notice of a penalty.

7.8. The procedures for hearings, rights of appeal, and judicial review apply as set forth in W. Va. Code §16-4C-10.

7.8.1. It is the intention of this rule to safeguard the residents of West Virginia by preventing any person who may be unfit or unqualified from engaging in EMS and to safeguard the interests of EMS personnel by affording them due process of law and an opportunity for fair notice and a meaningful hearing.

7.9. Confidentiality of Proceedings.

7.9.1. Any action taken by the Secretary prior to the completion of administrative remedies and procedures established by W. Va. Code §16-4C-10 and §29A-5-1 *et seq.* will remain confidential to the greatest extent consistent with the public good and state law.

7.9.2. The Secretary will communicate proposed action prior to the completion of the administrative remedies and procedures only to the affected individual, his or her EMS agency, the agency's medical director, and the regional medical director of the region affected.

7.10. Filing Papers.

7.10.1. Written communications concerning proceedings under this rule must be filed with the Secretary by mailing the communications to OEMS, and the Secretary will consider the postmark on the communications to be the filing date of the communications.

7.10.2. The Secretary will furnish copies of the written communications to the affected individual, his or her EMS agency's official representative, the agency's medical director, and the regional medical director for the region affected, and a notation shall be endorsed on the communications showing those persons who have been furnished copies.

7.11. Emergency Suspension. -- The Secretary or Director may issue an emergency suspension order to any licensee or certificate holder if there is probable cause that the conduct or continued service or practice of any licensee or certificate holder may create danger to public health or safety.

7.11.1. An emergency suspension is effective immediately without a hearing or prior notice to the license or certificate holder. Notice to the license or certificate holder will be presumed established on the date that a copy of the signed emergency suspension order is sent to the licensee or certificate holder via U.S. certified mail, return receipt requested, at the address shown in the current records of OEMS or via personal service.

7.11.2. The Secretary will send a copy of the emergency suspension order to the licensee's or certificate holder's EMS agency's official representative and medical director and may send the order to other parties whose legitimate interests may be at risk;

7.11.3. Written request for a hearing must be received within 10 days of the notification of suspension order. The written request shall specify the grounds for the appeal;

7.11.4. Upon receipt of the written request, OEMS will respond to the request for a hearing within 10 days;

7.11.5. Appeals are governed by W. Va. Code §29A-5-1 *et seq.*

§64-48-8. Education.

8.1. Endorsement of Sponsors of Continuing Education. -- The Secretary may grant endorsement to an applicant as a continuing education sponsor provided that the applicant meets the following requirements:

8.1.1. Entities and institutions must apply in a format prescribed by the Secretary;

8.1.2. Continuing education programs must contribute directly to the professional competence, skills, and education of EMS personnel;

8.1.3. Lead instructors must possess the necessary practical and academic skills to conduct the courses effectively and meet all standards specified by OEMS;

8.1.4. Visiting instructors shall possess the necessary practical and academic skills to present specific content effectively;

8.1.5. Continuing education program materials must be written and distributed to attendees at or before the time offered, whenever practical;

8.1.6. Continuing education programs must be presented in a suitable manner appropriate to the educational purpose of the specific course, which may include asynchronous learning resources such as online or web-based instruction: Provided: That, OEMS may, by policy, place restrictions on the total number of hours of continuing education that may be obtained by asynchronous learning;

8.1.7. Continuing education programs must be submitted and approved in a manner and time frame specified by OEMS;

8.1.8. If the continuing education sponsor is a licensed EMS agency, the agency shall be in compliance with the OEMS standards for Agency Training Officer Programs. The Agency Training Officer Program must have at a minimum:

8.1.8.a. An Agency Training Coordinator -- Must meet the standards and policies set forth by OEMS; or

8.1.8.b. An Agency Training Officer -- Must meet the standards and policies set forth by OEMS.

8.1.9. Endorsement of the continuing education sponsor is effective for five calendar years unless the program's endorsement is revoked under subsection 8.5. of this rule.

8.2. BLS Training Institutes. -- A BLS training institute must be a secondary or post-secondary institution, or a consortium of secondary or post-secondary institutions or other entities determined by OEMS to be qualified to deliver EMS education. To qualify for endorsement as a BLS training institute, the entity shall comply with the following:

8.2.1. Criteria. -- The institute shall demonstrate the ability to conduct one or more of the following training programs:

8.2.1.a. An EMT original course compliant with Department of Transportation (DOT) National EMS Education Standards or standards approved by OEMS;

8.2.1.b. An EMT Refresher course compliant with DOT National EMS Education Standards or standards approved by OEMS;

8.2.1.c. An EMR course compliant with DOT National EMS Education Standards or standards approved by OEMS;

8.2.1.d. An EMR refresher course compliant with DOT National EMS Education Standards or standards approved by OEMS; or

8.2.1.e. An EMD course compliant with DOT National Education Standards or standards approved by OEMS.

8.2.2. Personnel.

8.2.2.a. Medical Director. -- The institute shall have a medical director who is a physician licensed in the state of West Virginia. The medical director must be experienced in emergency medical care and will assist with:

8.2.2.a.1. Practical skills development and testing;

8.2.2.a.2. Recruitment, selection, and orientation of the training institute's faculty;

8.2.2.a.3. Providing medical advice and assistance to the training institute's faculty and students; and

8.2.2.a.4. Provide medical oversight for student clinical practice.

8.2.2.b. Administrative Director. -- A BLS training institute shall have an administrative director who has experience in educational administration. Responsibilities of the administrative director include:

8.2.2.b.1. Application processing and oversight of the student selection process;

8.2.2.b.2. Class scheduling and the assignment of instructors;

8.2.2.b.3. The provision and maintenance of required training equipment;

8.2.2.b.4. Requesting written and practical examinations;

8.2.2.b.5. The maintenance and submission of student records in a manner specified by OEMS;

8.2.2.b.6. The selection and supervision of qualified instructors and skills evaluators;

8.2.2.b.7. Management of the EMS budget for the institute; and

8.2.2.b.8. Administering the grievance procedure as outlined in paragraph 8.2.4.c. of this rule.

8.2.2.c. Lead Instructor. -- A BLS training institute shall designate a lead instructor for each educational program conducted by the training institute. Lead instructors must possess the necessary practical and academic skills to conduct programs effectively and comply with all instructor standards specified by OEMS. The lead instructor is responsible for the management and supervision of specific BLS educational programs offered by the training institute.

8.2.2.d. Visiting Instructors. -- A BLS training institute may use the services of adjunct faculty for specific portions of an educational program. The faculty must have expertise in a particular area and are not required to be certified EMS personnel or have specific EMS experience. A visiting instructor is not eligible to be a lead instructor.

8.2.2.e. BLS Practical Skills Evaluator. -- Must meet the standards and policies set forth by OEMS;

8.2.3. Facilities and Equipment. -- The institute shall maintain, or by agreement have available, facilities necessary for the provision of BLS training courses. The facilities shall include classrooms and space for equipment storage and shall be a suitable setting devoted to the educational purpose of the course. The institute shall provide and maintain the essential equipment and supplies to provide all approved programs of instruction as determined by OEMS.

8.2.4. Operating Procedures.

8.2.4.a. The institute shall develop and implement an anti-discrimination policy with respect to student selection and faculty recruitment.

8.2.4.b. The institute shall maintain records on each enrolled student that include class performance, practical and written examination results, and reports made concerning the progress of the student during the training program.

8.2.4.c. The institute shall provide a mechanism by which students may appeal decisions made by the institute regarding dismissal or other disciplinary action.

8.2.4.d. The institute shall provide students with a clear description of the program and its content including learning goals, course objectives, and competencies to be attained.

8.2.4.e. The institute shall submit documentation of all educational programs in a manner specified by OEMS;

8.2.5. Liability. -- The institute shall provide evidence of professional liability and errors and omissions insurance in the amount of \$1,000,000 for all training programs offered by the institute; and

8.2.6. The endorsement of the BLS Training Institute is effective for five calendar years unless the program's endorsement is revoked under subsection 8.5. of this rule.

8.3. ALS Training Institutes. -- An ALS training institute must be a post-secondary institution, or a consortium of post-secondary institutions and other entities determined by OEMS to be qualified to deliver EMS education. To qualify for endorsement as an ALS training institute, the entity shall comply with the following:

8.3.1. Training Programs. -- The institute shall evidence the ability to conduct one or more of the following training programs:

8.3.1.a. A paramedic course compliant with DOT National EMS Education Standards or standards approved by OEMS;

8.3.1.b. A paramedic refresher course compliant with DOT National EMS Education Standards or standards approved by OEMS;

8.3.1.c. An AEMT course, compliant with DOT National EMS Education Standards or standards approved by OEMS; or

8.3.1.d. An AEMT refresher course, compliant with DOT National EMS Education Standards or standards approved by OEMS.

8.3.2. Clinical Agreements. -- The ALS training institute shall maintain appropriate clinical agreements with hospitals and ALS prehospital care agencies for the provision of student clinical experiences.

8.3.3. Personnel.

8.3.3.a. Medical Director. -- An institute shall have a medical director who is a physician licensed in the state of West Virginia. The medical director must be experienced in emergency medical care and shall assist with:

8.3.3.a.1. Practical skills development and testing;

8.3.3.a.2. Recruitment, selection, and orientation of training institute faculty;

8.3.3.a.3. Providing medical advice and assistance to training institute faculty and students;

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8.3.3.a.4. Providing medical oversight for student clinical practice;

8.3.3.a.5. Identifying and approving facilities and ALS services where students can fulfill clinical and field internship requirements; and

8.3.3.a.6. Identifying and approving individuals to serve as field and clinical preceptors for supervising and evaluating student performance when fulfilling clinical and field internship requirements.

8.3.3.b. Program Director. -- The program director must have a Bachelor's Degree in a related field and at least three years of experience in education administration and three years of experience in ALS patient care. The responsibilities of the program director include:

8.3.3.b.1. Application processing and oversight of the student selection process;

8.3.3.b.2. Class scheduling and the assignment of instructors;

8.3.3.b.3. Provision and maintenance of required training equipment;

8.3.3.b.4. Requesting written and practical examinations;

8.3.3.b.5. Maintenance and submission of student records in a manner specified by OEMS;

8.3.3.b.6. Selecting and supervising qualified course coordinators, instructors, and skills evaluators;

8.3.3.b.7. Managing the EMS education budget for the institute; and

8.3.3.b.8. Administering a grievance procedure as outlined in paragraph 8.2.4.c. of this rule.

8.3.3.c. Lead Instructor. -- The ALS training institute shall designate a lead instructor for each course of instruction conducted by the training institute. A lead instructor must possess the necessary practical and academic skills to conduct programs effectively and comply with all instructor standards specified by OEMS. Specific duties of the lead instructor also include:

8.3.3.c.1. Scheduling and supervising course instructors;

8.3.3.c.2. Scheduling and supervising student clinical activities and field internships;

8.3.3.c.3. Maintenance and submission of student records in a manner specified by OEMS;

8.3.3.c.4. Providing counseling services for students; and

8.3.3.c.5. Development of course syllabi and instructional resources.

8.3.3.d. Clinical Preceptors. -- The ALS training institute shall ensure the availability of qualified clinical preceptors for each clinical rotation. The clinical preceptor is responsible for the supervision and evaluation of students while fulfilling clinical requirements in an approved facility.

8.3.3.e. Field Preceptors. -- The ALS training institute shall ensure the availability of qualified field preceptors for each student. The field preceptor is responsible for the supervision and evaluation of students while fulfilling field internships with an approved ALS service.

8.3.3.f. Visiting Instructors. -- An ALS training institute may use adjunct faculty for specific portions of an educational program. The faculty must have expertise in a particular area and are not required to be certified personnel or have specific EMS experience. A visiting instructor is not eligible to be lead instructor.

8.3.3.g. ALS Practical Skills Evaluator. -- Must meet the standards and policies set forth by OEMS;

8.3.4. Facilities and Equipment. -- The institute shall maintain, or by agreement have available, facilities necessary for the provision of ALS training courses. The facilities must include classrooms and space for equipment storage, and be a suitable setting devoted to the educational purpose of the course. The institute shall provide and maintain the essential equipment and supplies to provide all approved programs of instruction as determined by OEMS;

8.3.5. Operating Procedures.

8.3.5.a. The institute shall develop and implement an anti-discrimination policy with respect to student selection and faculty recruitment.

8.3.5.b. The institute shall maintain records on each enrolled student including class performance, practical and written examination results, and reports made concerning the progress of the student during the training program.

8.3.5.c. The institute shall provide a mechanism by which students may appeal decisions made by the institute regarding dismissal or any other disciplinary action.

8.3.5.d. The institute shall provide students with a clear description of the program and its content, including learning goals, course objectives, and competencies to be attained.

8.3.5.e. The institute shall submit documentation of all education programs in a manner specified by OEMS.

8.3.6. Liability. -- The institute shall provide evidence of professional liability and errors and omissions insurance in the amount of \$1,000,000 for all training programs offered by the institute.

8.3.7. Endorsement of the ALS Training Institute is effective for five calendar years unless the program endorsement has been revoked under subsection 8.5. of this rule.

8.3.8. Alternative Recognition Method.

8.3.8.a. In lieu of the standards prescribed in subdivisions 8.3.1 through 8.3.7. of this section, OEMS may endorse any institute that is accredited by a nationally recognized accrediting agency for EMS educational programs, provided that the standards used by that agency meet or exceed state endorsement standards. In addition, the following conditions apply:

8.3.8.a.1. An OEMS official shall accompany national accrediting agency officials during site visits to the ALS Training Institute; and

8.3.8.a.2. The accrediting agency shall forward a copy of the findings of the site visit directly to OEMS.

8.4. Critical Care Training (CCT) Institutes. -- A CCT training institute must be a post-secondary institution, or a consortium of post-secondary institutions and other entities determined to be qualified by OEMS to deliver EMS education. To qualify for endorsement as a CCT training institute, the entity shall comply with the following:

8.4.1. Training Programs. -- The institute shall demonstrate the ability to conduct the following training programs approved by the Secretary:

8.4.1.a. A CCT course compliant with OEMS Standards; and

8.4.1.b. A CCT refresher course compliant with OEMS Standards;

8.4.2. The CCT training institute shall maintain appropriate clinical agreements with hospitals and ALS prehospital care agencies for the provision of student clinical experiences.

8.4.3. Personnel.

8.4.3.a. Medical Director. -- An institute shall have a medical director who is a physician licensed in the state of West Virginia. The medical director must be experienced in critical care medicine. The responsibilities of the medical director include:

8.4.3.a.1. Assuring that the course content is in compliance with standards set by OEMS;

8.4.3.a.2. Assisting with the recruitment, selection, and orientation of the training institute's faculty;

8.4.3.a.3. Providing technical advice and assistance to the training institute's faculty and students;

8.4.3.a.4. Approving the content of written and practical skills and participating in the final skills evaluation;

8.4.3.a.5. Identifying and approving facilities and CCT services where students can fulfill clinical and field internship requirements; and

8.4.3.a.6. Identifying and approving individuals to serve as qualified field and clinical preceptors.

8.4.3.b. Lead Instructor. -- The CCT training institute shall designate a lead instructor for each educational program conducted by the training institute. A lead instructor must possess the necessary practical and academic skills to conduct programs effectively and comply with all instructor standards specified by OEMS. The lead instructor is responsible for the management and supervision of specific CCT educational programs offered by the training institute. The duties of the lead instructor include:

8.4.3.b.1. Application processing and oversight of the student selection process;

8.4.3.b.2. Class scheduling and the assignment of instructors;

8.4.3.b.3. Providing and maintaining required training equipment;

8.4.3.b.4. Requesting written and practical examinations;

8.4.3.b.5. Maintaining and submitting of student records in a manner specified by OEMS;

and

8.4.3.b.6. Selecting and supervising qualified instructors and skills evaluators.

8.4.3.c. Clinical Preceptors. -- The CCT training institute shall ensure the availability of qualified clinical preceptors for each clinical rotation. The clinical preceptor is responsible for the supervision and evaluation of students while fulfilling clinical requirements in an approved facility.

8.4.3.d. Field Preceptors. -- The CCT training institute shall ensure the availability of qualified field preceptors for each student. The field preceptor is responsible for the supervision and evaluation of students while fulfilling field internships with an approved CCT service.

8.4.3.e. Visiting Instructor. -- A CCT training institute may use adjunct faculty for specific portions of an educational program. The faculty must have expertise in a particular area and are not required to be certified EMS personnel or have specific EMS experience. A visiting instructor is not eligible to be the lead instructor.

8.4.3.f. CCT Practical Skills Evaluator. -- Must meet the standards and policies as set forth by OEMS;

8.4.4. Facilities and Equipment. -- The institute shall maintain, or by agreement have available, facilities necessary for the provision of CCT training courses. The facilities must include classrooms and space for equipment storage and shall be a suitable setting devoted to the educational purpose of the course. The institute shall provide and maintain the essential equipment and supplies to provide all approved programs of instruction as determined by OEMS;

8.4.5. Operating Procedures.

8.4.5.a. The institute shall develop and implement an anti-discrimination policy with respect to student selection and faculty recruitment.

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8.4.5.b. Records must be maintained on each enrolled student which includes class performance, practical and written examination results, and reports made concerning the progress of the student during the training program.

8.4.5.c. The institute shall provide a mechanism by which students may appeal decisions made by the institute regarding dismissal or any other disciplinary action.

8.4.5.d. Students must be provided with a clear description of the program and its content, including learning goals, course objectives, and competencies to be attained.

8.4.5.e. The institute shall submit documentation of all educational programs in a manner specified by OEMS;

8.4.6. Liability. -- The institute shall provide evidence of professional liability and errors and omissions insurance in the amount of \$1,000,000 for all training programs offered by the institute.

8.4.7. The endorsement of the CCT Training Institute is effective for five calendar years unless the program's endorsement is revoked under subsection 8.5. of this rule.

8.5. Renewal, Suspension, or Revocation of Endorsement.

8.5.1. Renewal: At least 90 days prior to the expiration of the program's endorsement the institute must reapply for endorsement in a format prescribed by the Secretary. The Secretary may renew the sponsor's endorsement if the sponsor meets the following requirements:

8.5.1.a. The sponsor has offered, within the five-year endorsement period, at least:

8.5.1.a.1. Sponsors of Continuing Education -- Ten approved educational courses; or

8.5.1.a.2. Providers of Original Certification Education (BLS, ALS & CCT) -- Three approved educational courses with a cumulative 60 percent completion rate for initially enrolled students; and,

8.5.1.b. The program has maintained continual compliance with all requirements of this rule appropriate for the educational programs it provides.

8.5.2. The Secretary may suspend or revoke the endorsement of a training institute for one or more of the following:

8.5.2.a. Failure to maintain compliance with all criteria, standards, and policies set forth by OEMS;

8.5.2.b. Absence of completed programs or student enrollment in programs for two consecutive years. This absence will result in automatic revocation of program endorsement;

8.5.2.c. Failure to meet performance measures as established by OEMS;

8.5.2.d. Evidence of falsification of any program activity or student record;

8.5.2.e. Loss of independent program accreditation status, if applicable; or

8.5.2.f. Any other reasons determined by the Secretary which may pose a threat to the health and safety of the public or exposes the public to risk or loss of life or property.

8.5.3. The Secretary will give written notice to the institute's administrative director 30 days prior to withdrawing endorsement. The notice will identify specific reasons for withdrawal of endorsement.

8.5.4. The institute has 15 days to respond to the notice. The Secretary will determine whether to verify or reconsider the withdrawal.

§64-48-9. Medical Direction.

9.1. Offline Medical Direction.

9.1.1. State Medical Director. -- The State Medical Director must be a physician appointed by the Secretary to be in charge of overseeing the medical aspects of the West Virginia EMS system.

9.1.1.a. The State Medical Director must have:

9.1.1.a.1. A valid, unrestricted license to practice medicine in the State of West Virginia;

9.1.1.a.2. Experience in emergency management of acutely ill or injured patients;

9.1.1.a.3. Experience in online medical direction of EMS personnel;

9.1.1.a.4. Experience in the education of EMS personnel;

9.1.1.a.5. Experience in the medical audit, review, and critique of EMS personnel and agencies;

9.1.1.a.6. Board certification in emergency medicine; and

9.1.1.a.7. Experience in medical administration and management.

9.1.1.b. The State Medical Director shall:

9.1.1.b.1. Act as the primary medical authority on all medical issues pertaining to the statewide EMS system;

9.1.1.b.2. Chair the MPCC;

9.1.1.b.3. Review and recommend to the Secretary the appointment of all regional EMS Medical Directors;

9.1.1.b.4. Establish and review all system-wide medical protocols and policies in consultation with the state MPCC;

9.1.1.b.5. Designate all regional medical command centers;

9.1.1.b.6. Consult with the Secretary, as requested, concerning revocations of EMS personnel licensure;

9.1.1.b.7. Assist OEMS in establishing certification, recertification, and continuing education requirements for EMS personnel;

9.1.1.b.8. Review and recommend the designation of specialty care centers to the Secretary;

9.1.1.b.9. Maintain liaisons with the members of the Legislature on medical issues related to EMS;

9.1.1.b.10. Review state procedures, plans, and processes for compliance with current standards of emergency medical care;

9.1.1.b.11. Appoint physician specialists and other appropriate medical personnel to the MPCC;

9.1.1.b.12. Delegate portions of his or her authority to other qualified physicians; and

9.1.1.b.13. Perform other duties assigned by the Secretary.

9.1.1.c. The State Medical Director has the following authority:

9.1.1.c.1. To make the final decision on all matters of a medical nature related to OEMS;

9.1.1.c.2. To restrict privileges of EMS personnel at any time in order to assure quality patient care;

9.1.1.c.3. To establish medical policies and procedures to carry out the activities outlined in this rule; and

9.1.1.c.4. Any other authority designated by the Secretary.

9.1.2. MPCC. -- The MPCC is composed of each regional medical director and may include physicians representing specialty areas such as pediatrics, trauma, cardiology, and others as necessary. The committee serves as the primary policy making body and advisory body to the State Medical Director concerning medical issues involving the EMS system. The committee shall meet at least annually, or more frequently as necessary.

9.1.2.a. The MPCC shall:

9.1.2.a.1. Create, review, and approve treatment, triage, and transportation protocols used within the state EMS system;

9.1.2.a.2. Determine medications, equipment, and procedures used within OEMS;

9.1.2.a.3. Establish scopes of practice for all certified EMS personnel;

9.1.2.a.4. Act on and advise the State Medical Director on emergency health related issues;

9.1.2.a.5. Establish policies and procedures governing categorization of individual facility medical capabilities in order to determine the appropriateness of transport to that facility;

9.1.2.a.6. Implement procedures necessary to carry out its duties; and

9.1.2.a.7. Perform other duties assigned by the State Medical Director or the Secretary.

9.1.2.b. Whenever any changes in protocol, medication and procedure, scope of practice, or policy and procedure as authorized in paragraph 9.1.2.a. are proposed, a notice of the proposal will be electronically mailed to each EMS Agency and the full text of proposed changes in protocol, medication and procedure, scope of practice, or policy and procedure, will be published on the OEMS website. Notice of the proposed changes in protocol, medication and procedure, scope of practice, or policy and procedure as authorized in paragraph 9.1.2.a., is subject to a 30-day public comment period prior to their being effective. However, the MPCC may waive the public comment period when it finds that exigent circumstances exist and that the proposed changes in protocol, medication and procedure, scope of practice, or policy and procedure must be implemented immediately to ensure patient safety.

9.1.3. Regional Medical Director. -- The regional medical director must be a physician, recommended by the regional board of directors, and appointed by the Secretary in consultation with the State Medical Director to oversee medical aspects of a regional EMS system.

9.1.3.a. The regional medical director must have:

9.1.3.a.1. A valid, unrestricted license to practice medicine in the State of West Virginia;

9.1.3.a.2. Experience in emergency management of acutely ill or injured patients;

9.1.3.a.3. Experience in online medical direction of EMS personnel;

9.1.3.a.4. Experience in the education of personnel;

9.1.3.a.5. Experience in the medical audit, review, and critique of personnel and agencies;
and

9.1.3.a.6. Board certification in emergency medicine. This requirement may be waived by the State Medical Director.

9.1.3.b. The Regional EMS Medical Director shall:

9.1.3.b.1. Serve as the medical liaison with the Medical Director;

9.1.3.b.2. Serve as a member of the MPCC;

9.1.3.b.3. Serve as the primary medical authority on medical issues of the regional EMS system;

9.1.3.b.4. Review the appointments of all Agency Medical Directors;

9.1.3.b.5. Implement and monitor a regional performance improvement program;

9.1.3.b.6. Educate, train, and monitor the medical command physicians who operate in the regional command centers;

9.1.3.b.7. Serve as medical director of the regional medical command center;

9.1.3.b.8. Establish and review protocols in conjunction with the MPCC;

9.1.3.b.9. Serve as medical liaison to the regional EMS board of directors;

9.1.3.b.10. Assist OEMS in ensuring that personnel in the regional EMS system comply with certification, recertification, credentialing, and continuing education requirements established by OEMS;

9.1.3.b.11. Recommend to OEMS disciplinary actions involving personnel;

9.1.3.b.12. Delegate portions of his or her authority to other qualified physicians as needed, with the approval of the State Medical Director;

9.1.3.b.13. Review plans, procedures, and processes within the region for compliance with current standards of emergency care; and

9.1.3.b.14. Meet with the Agency Medical Directors within the region, at least annually, or when necessary to disseminate information regarding activities of OEMS.

9.1.3.c. Authority. -- The Regional EMS Medical Director may restrict privileges of any prehospital personnel within the region at any time in order to assure quality patient care. This may be accomplished in conjunction with the agency Medical Director. This restriction of privileges must be according to guidelines established by OEMS.

9.1.4. Agency Medical Director. -- The agency medical director, by written agreement with the Agency, and concurrence of the Regional EMS Medical Director and State Medical Director, oversees medical aspects of an EMS agency or local EMS system and extends or restricts the privilege to practice to personnel associated with the agency.

9.1.4.a. Qualifications. -- The Agency Medical Director must possess:

9.1.4.a.1. A valid, unrestricted license to practice medicine in the State of West Virginia;

9.1.4.a.2. Experience in prehospital and emergency department management of acutely ill or injured patients;

9.1.4.a.3. The Agency Medical Director must have the following qualifications unless they are waived by the Regional Medical Director:

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9.1.4.a.3.A. Experience in online medical direction of EMS personnel;

9.1.4.a.3.B. Experience in the education of EMS personnel;

9.1.4.a.3.C. Experience in the medical audit, review, and critique of EMS personnel and agencies; and

9.1.4.a.3.D. Board certification in emergency medicine; Provided: That this requirement may be waived by the Regional Medical Director.

9.1.4.b. Responsibilities. -- The Agency Medical Director shall:

9.1.4.b.1. Provide advice and guidance on all aspects of the medical care provided by the agency or county;

9.1.4.b.2. Be the physician on whose authority all medical care is administered by agency or county EMS personnel;

9.1.4.b.3. Grant, restrict, or deny privileges for EMS personnel practice within the agency or county;

9.1.4.b.4. Oversee the medical review of patient care provided by the agency or county;

9.1.4.b.5. Meet with the Regional Medical Director annually; and

9.1.4.b.6. Perform other duties assigned by the Regional Medical Director or the Secretary.

9.1.4.c. Authority. -- The Agency Medical Director may restrict privileges of EMS personnel affiliated with the agency or county at any time in order to assure quality patient care. This restriction of privileges must be according to guidelines established by OEMS.

9.2. Online Medical Direction.

9.2.1. Regional Medical Command Centers are centers designated by the MPCC and OEMS with advice of the respective Regional EMS Board of Directors to serve as the regional medical command center for all online medical control of EMS personnel operating in a particular region.

9.2.1.a. Requirements/Designation. -- Regional medical command centers shall:

9.2.1.a.1. Be equipped with appropriate communication equipment, as specified by OEMS, to communicate with EMS vehicles and personnel and interface with the OEMS communications system;

9.2.1.a.2. Meet all requirements listed in this rule;

9.2.1.a.3. Agree to abide by all policies and procedures contained in the state or regional communications systems plan as established by OEMS; and

9.2.1.a.4. Agree to abide by medical treatment protocols or guidelines, triage and destination protocols or guidelines, and other policies and procedures approved by the OEMS Medical Direction System.

9.2.1.b. Staffing. -- The Regional Command Center must be staffed 24-hours per day, 365-days per year by paramedic communication specialists and shall have ready access to medical command physicians at all times.

9.2.1.c. Responsibilities. -- The regional medical command facility shall:

9.2.1.c.1. Serve as the authoritative medical command center for its primary designated area, but with the possibility of an expanded coverage area in the event of a disaster or the inoperability of other medical command centers;

9.2.1.c.2. Control and facilitate all communications of a medical nature for the EMS agencies and personnel operating in its region including ground and aeromedical EMS vehicles;

9.2.1.c.3. Serve as the final decision maker regarding the provision of patient care for all prehospital EMS incidents within the region, including, but not limited to, interpretation and authorization of patient treatment, facility destination or diversion protocols, and guidelines;

9.2.1.c.4. Assist EMS agencies and personnel with medical direction for inter-facility transfer patient care, as needed;

9.2.1.c.5. Follow all procedures and guidelines governing delivery of medical command and direction of units as established by OEMS including, but not limited to, data collection and quality assurance;

9.2.1.c.6. Maintain a record keeping system as outlined by OEMS guidelines and make those records available to state or regional Medical Directors, or OEMS investigators, for review as requested;

9.2.1.c.7. Perform other duties assigned by regional or state medical directors; and

9.2.1.c.8. Provide online medical command to EMS personnel passing through the region who require medical direction.

9.2.1.d. Authority. -- The regional medical command center may implement procedures necessary to carry out its duties outlined in this rule and OEMS guidelines.

9.2.1.e. Alternative Facilities. -- Regions may elect to have alternate command facilities in the event of equipment malfunction or when the primary center cannot be contacted for any reason. These backup facilities must be approved by the State Medical Director and included in the regional communication plan. In the event none of the command facilities can be reached, then the receiving hospital may provide medical command as needed to EMS personnel.

§64-48-10. EMS Personnel in Emergency Departments.

10.1. EMS personnel employed by a hospital may, in the event of a life-threatening emergency, perform their full scope of practice as outlined by the MPCC, within the hospital under the direct supervision of the attending physician.

10.2. In all other situations, EMS personnel may only perform those services outlined in the written policy and procedures established by the local facility as outlined in subsection 10.3.

10.3. Any hospital using or employing EMS personnel to provide services within the hospital emergency room or department shall develop and implement written policies and procedures governing these activities. These policies and procedures shall:

10.3.1. Include the roles, responsibilities, and specific tasks or procedures which may be performed by EMS personnel;

10.3.2. Be developed jointly by the director of nursing of the emergency room and the medical director of the emergency room or department;

10.3.3. Allow for the direct supervision of the EMS personnel by a registered professional nurse and comply with all supervision guidelines established by the Board of Registered Professional Nurses;

10.3.4. Comply with the training requirements established by OEMS;

10.3.5. Contain specific procedures governing medical review and quality improvement of services provided by EMS personnel in the hospital setting and shall include the mechanisms for identification, correction, training, and disciplinary functions associated with these activities; and

10.3.6. Be approved by the Joint Care Committee as established in subsection 10.7. of this rule.

10.4. EMS personnel may not exceed the scope of practice established by the MPCC for the individual's licensure level.

10.5. EMS personnel must maintain active EMS licensure and meet all requirements contained in section 6 of this rule.

10.6. The medical facility shall maintain training records and in-service records of the EMS personnel in its employment and make the records available for inspection by OEMS and the Board of Examiners for Registered Professional Nurses.

10.7. The State Medical Director or designee and the President of the Board of Examiners for Registered Professional Nurses or his or her designee shall establish a Joint Care Committee for the purpose of establishing minimum guidelines for the policies and procedures to be used by the local facilities concerning the functioning of EMS personnel in the emergency room setting. These guidelines may include a list of specific procedures and activities performed by EMS personnel in the emergency room setting and shall also contain the definition of a life-threatening emergency.

§64-48-11. Administrative Due Process.

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11.1. Any person adversely affected by the enforcement of this rule desiring a contested case hearing to determine any rights, duties, interests or privileges must do so in a manner prescribed in "Rules of Procedure for Contested Case Hearings and Declaratory Rulings," 64CSR1.