

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

Form #3

Do Not Mark In This Box

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WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE  
AND  
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: DHHR - Bureau for Public Health TITLE NUMBER: 64

CITE AUTHORITY: WV Code §§16-1-4 and 16-4C-6.

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 29

TITLE OF RULE BEING AMENDED: SPECIALIZED MULTIPATIENT MEDICAL TRANSPORT

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: \_\_\_\_\_

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

Patsy A. Hardy  
Authorized Signature

#5060



**3. Explanation of above estimates (including long-range effect):**

Please include any increase or decrease in fees in your estimated total revenues.

**Memorandum**

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

Date  
\_\_\_\_\_

Agency  
Department of Health and Human Resources

Authorized Representative  
*Patsy A. Hardy*  
Patsy A. Hardy  
Cabinet Secretary

REPEAL  
64CSR29, Specialized Multipatient Transport  
Legislative Rule  
WV DHHR/ Bureau for Public Health  
State Trauma and Emergency Medical System

**BRIEF SUMMARY**

The Bureau is proposing to repeal this 2001 rule which deals with a narrow element of the Emergency Medical Services transportation system because the Legislature specifically required that the Bureau promulgate a comprehensive EMS rule through their enactment of HB 4143 in the 2010 regular session. Everything that needs to be said about the regulation of Specialized Multipatient Transportation is contained in the Emergency Medical Services rule, 64CSR48, being filed this year for consideration in the 2011 session.

**STATEMENT OF CIRCUMSTANCES**

Once the comprehensive EMS rule, 64CSR48, becomes effective this old rule will be obsolete. Therefore, we are filing a repeal of the contents.

**QUESTIONNAIRE**

*(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)*

DATE: JULY 30, 2010

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) Ann Goldberg  
Bureau for Public Health  
350 Capitol Street, Rm 702  
Charleston, WV 25301  
304 558-2971 phone  
304 558-1035 fax

LEGISLATIVE RULE TITLE: SPECIALIZED MULTIPATIENT TRANSPORT, 64CSR29

1. Authorizing statute(s) citation \_\_\_\_\_  
WV Code §§16-1-4 and 16-4C-6.

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:  
\_\_\_\_\_

b. What other notice, including advertising, did you give of the hearing?  
\_\_\_\_\_  
\_\_\_\_\_

c. ~~Date of Public Hearing(s)~~ or Public Comment Period ended:  
July 29, 2010

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached \_\_\_\_\_ No comments received X

e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

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f. Name, title, address and **phone/fax/e-mail numbers** of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

Ann A Goldberg  
350 Capitol St. Rm. 702  
Charleston, WV 25301  
304 558 - 2971 phone  
304 558-1035 fax  
ann.a.goldberg@wv.gov

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g. **IF DIFFERENT FROM ITEM 'f'**, please give Name, title, address and phone number(s) of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

Drema Mace and Jerry Kyle  
STEMS / OEMS  
350 Capitol Street, 4th floor  
Charleston, WV 25301  
304 558-3956 phone  
~~304 558-3856 fax~~  
drema.g.mace@wv.gov  
jerry.l.kyle@wv.gov

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

n/a  

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b. Date of hearing or comment period:

From June 29 2010 to July 29 2010

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

n/a

d. Attach findings and determinations and reasons:

Attached n/a

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**TITLE 64  
LEGISLATIVE RULE  
DIVISION OF HEALTH**

**SERIES 29  
SPECIALIZED MULTIPATIENT MEDICAL TRANSPORT**

**§64-29-1. General.**

1.1. ~~Scope.~~— This rule is intended to: help ensure the adequate provision of emergency medical services to the citizens of West Virginia; help meet the needs and goals set out in W. Va. Code §16-4C-2; and provide for specialized multipatient medical transport by establishing vehicle and personnel requirements. The W. Va. Code is available in public libraries and on the Legislature's webpage, <http://www.legis.state.wv.us/>.

1.2. ~~Authority.~~— W. Va. Code §§16-4C-23, 16-4C-3 and 16-1-7.

1.3. ~~Filing Date.~~— May 4, 2001.

1.4. ~~Effective Date.~~— May 15, 2001.

1.5. ~~Applicability.~~— This rule applies to emergency medical services agencies that provide specialized multipatient medical transport services. EMS agencies that provide this level of service shall also comply with the provisions of the Division of Health rule, Emergency Medical Services (EMS) rule, 64CSR48.

1.6. ~~Enforcement.~~— This rule is enforced by the commissioner of the bureau for public health<sup>†</sup>.

**§64-29-2. Definitions.**

2.1. ~~Advanced Life Support (ALS).~~— A sophisticated level of out-of-hospital and interfacility emergency medical services provided by the following levels of EMS personnel as defined in the Division of Health rule, Emergency Medical Services rule, 64CSR48: EMT-P, EMSA-RN, EMSA-PA, EMSA-FN, EMSA-SCN, EMSA-DO, EMSA-MD, or as stated in this rule, that includes, but is not limited to, transportation of incapacitated individuals, basic life support procedures and ALS assessment, supervision, and interventions.

2.2. ~~Attendant in Charge.~~— A person certified pursuant to this rule to have the ultimate responsibility for the care of a patient with respect to the provision of emergency medical services.

2.3. ~~Basic Life Support (BLS).~~— A basic level of out-of-hospital and interfacility emergency medical services provided when a patient requires BLS services or continual medical supervision. Basic life support can be performed by ALS personnel as well as an EMT-B, EMSA-LPN, EMT-FR or as stated in the Division of Health rule, EMS rule, 64CSR48.

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<sup>†</sup>—The Department of Health and Human Resources (DHHR) was created by the Legislature's reorganization of the executive branch of State government in 1989. The Department of Health was renamed the Division of Health and made a part of the DHHR (W. Va. Code § 5F-1-1 et seq.). Administratively within the DHHR the Bureau for Public Health through its Commissioner carries out the public health function of the Division of Health.

~~2.4. Emergency Medical Services Vehicle (EMS vehicle).— EMS transportation vehicles including ambulances, air ambulances and non-medical transportation vehicles as described in the Division of Health rule, EMS rule, 64CSR48. In addition, non-transporting EMS vehicles may include any private or publicly owned vehicle or craft that is designed, constructed, or modified and equipped and is intended to be used for and is maintained or operated to provide on-scene emergency medical services.~~

~~2.5. Operator.— A person certified pursuant to this rule as responsible for the operation of an emergency medical services vehicle.~~

~~§64-29-3. Specialized Multipatient Medical Transport Vehicle Requirements.~~

~~3.1. Class F— A specialized multipatient medical transport vehicle is classified as a Class F EMS vehicle.~~

~~3.1.a. A Class F EMS vehicle is primarily intended to provide transportation to ambulatory patients with a medical history who have no apparent immediate need for any level of medical supervision while being transported to and from scheduled medical appointments.~~

~~3.1.b. A Class F EMS vehicle shall not be equipped with any form of stretcher.~~

~~3.1.c. An EMS agency may not use a Class F EMS vehicle for delivery of basic or advanced life support.~~

~~3.1.d. A Class F EMS vehicle specifications include the following:~~

~~3.1.d.1. The vehicle may not be a passenger sedan, limousine, or recreational vehicle. Sport utility vehicles with less than three (3) passenger doors and a wheelbase of less than one hundred (100) inches are not permitted.~~

~~3.1.d.2. The major portion of the body of the vehicle shall be one (1) of four (4) approved safety colors: bright, highly visible shades of red, white, yellow, orange or combinations of those colors. Additional colors may be permitted only after approval of the commissioner.~~

~~3.1.d.3. All lettering on the vehicle shall be a minimum of three (3) inches in height except the lettering that is part of an organization logo or emblem.~~

~~3.1.d.4. The name of the EMS agency, and of the city, town, or county, shall appear on both sides of the vehicle, and logos or emblems are also permitted.~~

~~3.1.e. Equipment and supplies for a Class F EMS vehicle include:~~

~~3.1.e.1. Communications equipment on the vehicle that allows the operator of the vehicle to have voice contact with the operational dispatch center; and~~

~~3.1.e.2. Other equipment and supplies as determined by the West Virginia Department of Health and Human Resources, Bureau for Public Health, Office of Emergency Medical Services.~~

~~3.1.f. All Class F EMS Vehicles shall be inspected by representatives of the West Virginia Office of Emergency Medical Services for compliance with the requirements established in this rule.~~

~~§64-29-4. Specialized Multipatient Medical Transport Vehicle Personnel Requirements.~~

~~4.1. Class F EMS Vehicle Personnel.~~

~~4.1.a. A Class F EMS vehicle shall have a minimum of one (1) EMSP that may be the operator of the vehicle.~~

~~4.1.b. The operator of a Class F EMS vehicle shall have a minimum of:~~

~~4.1.b.1. A valid motor vehicle operator's permit; and~~

~~4.1.b.2. Current certification as an EMT Basic or an equivalent EMSP approved by the commissioner.~~

~~4.1.c. Non-certified assistants or observers are permitted in Class F EMS vehicles at the discretion of the EMS Agency.~~