

**WEST VIRGINIA  
SECRETARY OF STATE**

**KEN HECHLER**

**ADMINISTRATIVE LAW DIVISION**

Form #7

Do Not Mark In This Box  
Filing Date

**FILED**

JUL 19 9 51 AM '00

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

Effective Date

**NOTICE OF AN EMERGENCY RULE**

Division of Health

AGENCY: Department of Health & Human Resources TITLE NUMBER: 64

CITE AUTHORITY W. Va. Code §§ 16-4C-23 and 16-1-7

EMERGENCY AMENDMENT TO AN EXISTING RULE: YES  NO

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

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

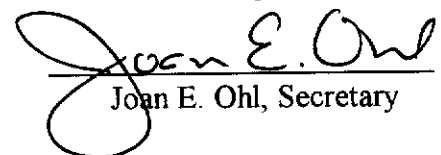
IF NO, SERIES NUMBER OF RULE BEING FILED AS AN EMERGENCY: 29

TITLE OF RULE BEING FILED AS AN EMERGENCY: Specialized Multipatient Medical Transport

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY SECRETARY OF STATE OR 42ND DAY AFTER FILING WHICHEVER OCCURS FIRST.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

This rule is filed in accordance with the intent of Senate Bill 612, passed on March 13, 1999, that amended and reenacted sections three and eight, article four- c, chapter sixteen of the code of West Virginia, clarifying the definition of "ambulance" and specifying staffing and personnel requirements for specialized multi patient medical transports.

  
Joan E. Ohl, Secretary

## **Brief Summary Of The Rule**

This rule addresses the revisions to WV Code §16-4C, enacted by S.B.612 during the 1999 regular legislative session. It clarifies the definition of ambulance and addresses vehicle and personnel requirements for EMS agencies that choose to engage in Specialized Multi Patient Medical Transport services.

**FISCAL NOTE FOR PROPOSED RULES**

**Rule Title:** Division of Health Legislative Rules - Emergency Medical Services - Title 64 Series 29

**Type of Rule:**  **Legislative**                       **Interpretive**                       **Procedural**

**Agency:**                      Division of Health  
    Department of Health and Human Resources

**Address:**                      Building 3, Capitol Complex  
    Charleston, W. Va. 25305

1. Effect of the Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
<b>Estimated Total Cost</b>	\$	\$	\$	\$ 0	\$0
<b>Personal Services</b>				0	0
<b>Current Expense</b>				0	0
<b>Repairs &amp; Alterations</b>				0	0
<b>Equipment</b>				0	0
<b>Other</b>				0	0
<b>Revenue</b>				0	0

**2. Explanation of above estimates.**

No Costs

**3. Objectives of this rule:**

This rule will create a method for licensed EMS Agencies to provide Specialized Multi Patient Medical Transport services in accordance to provisions in Senate Bill 612. Staffing, personnel and vehicle standards are addressed.

**4. Explanation of Overall Economic Impact of Proposed Rule.**

**A. Economic Impact on State Government.**

There should be no economic impact on state government. The Office of EMS can absorb all associated processes and any related cost within its Licensure Program. Vehicle inspection fees charged to EMS agencies will generate revenue that funds the Licensure Program.

**B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens.**

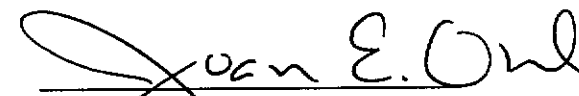
Vehicle inspection fees will be charged to EMS agencies as is the case for any EMS vehicle currently in operation.

**C. Economic Impact on Citizens/Public at Large.**

None

**Date:** July 19, 2000

**Signature of Agency Head or Authorized Representative**

  
Joan E. Ohl, Secretary  
Department of Health and Human Resources

**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 19, 2000

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency name, Address & Phone No.) Division of Health  
Department of Health and Human Resources

State Capitol Complex, Building 3, Room 265, Charleston, WV 25305

Telephone: (304) 558-5598

LEGISLATIVE RULE TITLE: Specialized Multipatient Medical Transport

64CSR29

1. Authorizing statute(s) citation: WV Code Sections 16- 4C-23 and 16-1-7

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

July 19, 2000

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

Draft copies of the rule will be distributed to each EMS association

and licensed EMS agency, as well as to the West Virginia EMS Advisory Council

c. Date of Public Hearing(s) or Public Comment Period ended:

August 18, 2000

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

Attached     N/A                          No comments received     N/A    

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

    N/A    

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

Beth Marquart, Director, Office of Regulatory Development

Department of Health and Human Resources

Building 3, Room 265, Capitol Complex

Charleston, West Virginia 25305

(304) 558-5598    FAX: (304) 558-6051    bethmarquart@wvdhhr.org

- 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):

Jerry Rhodes, Deputy Director

DHHR, Bureau for Public Health

Office of Emergency Medical Services

305 Capitol St. Room 515

Charleston, West Virginia 25301-3716

Tel: 304-558-3956

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 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:

N/A

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

N/A

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- d. Attach findings and determinations and reasons:

Attached     N/A

**TITLE 64  
EMERGENCY RULES  
DIVISION OF HEALTH**

**SERIES 29  
SPECIALIZED MULTIPATIENT MEDICAL TRANSPORT**

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**2000**

TITLE 64  
EMERGENCY RULES  
DIVISION OF HEALTH

FILED

JUL 19 9 52 AM '00

SERIES 29  
SPECIALIZED MULTIPATIENT MEDICAL TRANSPORT

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**§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 WV Code 16-4C-2; and to provide for specialized mutipatient medical transport by establishing vehicle and personnel requirements.

1.2. Authority. – WV Code 16-4C-23 and 16-1-7.

1.3. Filing Date. --

1.4. Effective Date. --

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 must also comply with the provisions of legislative rule §64-CSR-48.

1.6. Enforcement. – This rule is enforced by the commissioner of the bureau for public health<sup>1</sup>.

**§64-29-2. Definitions.**

2.1. Ambulance. - Any privately or publicly- owned vehicle or aircraft that is designed, constructed or modified, equipped or maintained, and operated for the transportation of patients, including, but not limited to, emergency medical services vehicles; rotary and fixed wing air ambulances; GSA KKK-A-1822 federal standard type I, type II and type III vehicles; and specialized multipatient medical transport vehicles operated by an emergency medical services agency.

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<sup>1</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.

2.2. Advanced Life Support (ALS). -- A sophisticated level of out-of-hospital and interfacility emergency medical services provided by the following levels of EMS personnel: 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.

2.3. 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.

2.4. 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 legislative rule §64CSR48.

2.5. Commissioner. -- The commissioner of the bureau for public health, or his or her designee.

2.6. Emergency Medical Service Agency (EMS Agency). - Any agency licensed under W. Va. Code §16-4C-6a and legislative rule §64CSR48 to provide emergency medical services.

2.7. Emergency Medical Service Personnel (EMSP). - Any person certified by the commissioner to provide emergency medical services in W. Va.. Code §16-4C-8. EMSP includes, but is not limited to: emergency medical services attendant, emergency medical technician-basic, and emergency medical technician-paramedic.

2.8. Emergency Medical Services. -- All services that are set forth in W. Va. Code §16-4-C, "The Emergency Medical Services Act of 1996" and those services included in and made part of the emergency medical services plan of the department of health and human resources including, but not limited to, responding to the medical needs of an individual to prevent the loss of life or aggravation of illness or injury.

2.9. Emergency Medical Services Vehicle (EMS vehicle). -- EMS transportation vehicles including ambulances, air ambulances and non-medical transportation vehicles as described in legislative 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.

2.10. EMT-Basic (EMT-B). -- A person certified as an Emergency Medical Technician - Basic.

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

2.12. Specialized Multipatient Medical Transport. - A type of ambulance transport provided for patients with medical needs greater than those of the average population that may require the presence of a trained emergency medical technician during the transport of the patient; provided, that the requirement of "greater medical need" may not prohibit the transportation of a patient whose need is preventive in nature.

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

3.1.b. The Class F EMS vehicle will 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. The Class F EMS vehicle specifications shall include the following:

3.1.d.1. The vehicle shall not be a passenger sedan, limousine, recreational vehicle, or sport utility vehicle.

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 thereof. 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 the Class F EMS vehicle shall include:

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

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 will 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) EMS-P 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.