

**WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION**

Form #3

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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

Division of Health

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

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

AMENDMENT TO AN EXISTING RULE: YES NO

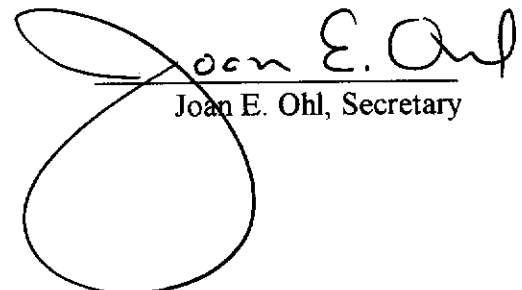
IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 29

TITLE OF RULE BEING PROPOSED: Specialized Multipatient Medical Transport

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.


Joan E. Ohi, Secretary

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE PROPOSED RULE

This proposed rule is in accordance with the intent of Senate Bill 612 that amended and reenacted sections three and eight, article 4C, of Chapter 16 of the West Virginia code, clarifying the definition of "ambulance" and specifying staffing and personnel requirements of specialized multi patient medical transports.

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
Revised

Rule Title: Division of Health Legislative Rules - Emergency Medical Services - Title 64 Series 48

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
Estimated Total Cost	\$	\$	\$	\$ 0	\$0
Personal Services				0	0
Current Expense				0	0
Repairs & Alterations				0	0
Equipment				0	0
Other				0	0
Revenue				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 within its current Licensure Program. Vehicle inspection fees charged to EMS Agencies will generate revenue that funds the Licensure Program within the Office of EMS.

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

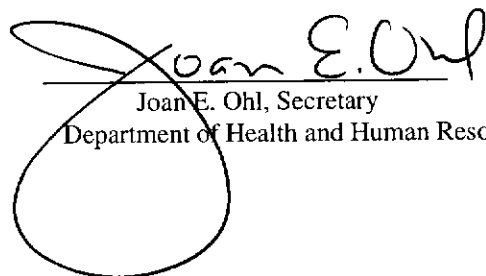
There will be some initial start-up costs for an EMS Agency that elects to provide this level of service, possibly including the purchase of appropriate vehicles, paint/decals equipment, and drivers. Additionally, vehicle inspection fees will be charged to EMS Agencies as is the case for any EMS vehicle currently in operation. These costs to the EMS Agencies should be adequately covered by the extra revenue generated by the provision of the service.

C. Economic Impact on Citizens/Public at Large.

None

Date: August 29, 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: August 29, 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 X No comments received _____

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

August 29, 2000

- 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 201, 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

- b. Date of hearing or comment period:

N/A

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

N/A

- d. Attach findings and determinations and reasons:

Attached N/A

**TITLE 64
LEGISLATIVE RULES
DIVISION OF HEALTH**

**SERIES 29
SPECIALIZED MULTIPATIENT MEDICAL TRANSPORT**

2000

TITLE 64
LEGISLATIVE RULES
DIVISION OF HEALTH

FILED

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SERIES 29
SPECIALIZED MULTIPATIENT MEDICAL TRANSPORT

OFFICE OF WEST VIRGINIA
DEPARTMENT 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 provide for specialized multipatient 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 health¹.

§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.

¹ 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 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. The Class F EMS vehicle specifications shall include the following:

3.1.d.1. The vehicle shall 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 shall not be 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 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; 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) 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.

CHANGES TO DRAFT RULE 64 CSR 29

§ 1.1: Remove "to" in line three. Should read "...and provide for specialized...".

§ 3.1.d.1: Language should be changed to read, "The vehicle shall 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 shall not be permitted."

§4.1.a: Remove dash (-) in "EMS-P". Should read "EMSP"

PUBLIC COMMENTS AND DEPARTMENT RESPONSES

SPECIALIZED MULTIPATIENT MEDICAL TRANSPORT, 64 CSR 29

Jerry Rhodes, Deputy Director
WV Office of EMS

A public comment period on the proposed rule, Specialized Multipatient Medical Transport, 64 CSR 29, was held beginning July 18, 2000 and ending August 18, 2000. There were several commenters. Comments are summarized below, and the Department's responses are detailed. Any changes to the proposed rule based on these public comments are listed and then added to a copy of the rule for review by the Office of Regulatory Support.

General Comment: One commenter questioned specific language in the proposed rule.

Response: The language in this proposed rule remains relatively consistent with existing language in Division of Health EMS Rule, 64 CSR 48 and WV Code §16-4C (EMS Act). The EMS Act and Rule were used in developing this proposed legislation. Additionally, the language is consistent with SB 612 which in turn revised §16-4C in 1999 by clarifying the definition of "ambulance" and specifying staffing and personnel requirements for specialized multipatient medical transport. The WV Office of EMS, through the Bureau for Public Health has regulatory authority over the provision of emergency medical services, including specialized multipatient medical transport. Maintaining consistency of language with existing and associated legislative rules and state code is critical to ensuring a nationally recognized standard of care that provides optimal emergency treatment to the sick and injured, stands up to industry scrutiny, and is more easily defensible during litigation. This consistency of language is referenced throughout this document.

Cover Sheet Comment: This proposed rule is titled Series 29. The assumption is 64 CSR 48 (EMS Rule) can't be amended to add this section.

Response: EMS Rule 64 CSR48 is currently in the process of being revised by the EMS industry and the WV Office of EMS. However, the revised rule cannot be placed in the legislative process until the 2002 legislative session. There are EMS agencies already providing this service (Specialized Multipatient Medical Transport) and felt it necessary that this rule be moved forward now in order to ensure some level of regulatory support and protection as they proceed. Compatible and consistent language in both rules could allow for future consolidation if so desired, but for now, 64 CSR 29 must stand alone.

§1.1. Comment: Remove word "to" in line 3.

Response: Change will be made.

§2.2. Comment: Should EMT-Intermediate (EMT-I) be added?

Response: No. EMT- Intermediate is not a level of EMS personnel certification currently recognized by WV code and legislative rule.

§2.12. Comment: "...trained emergency medical technician..." should be "certified EMSP."

Response: This phrase is consistent with language in SB 612, which amended WV Code §16-4C (EMS Act). Therefore, the phrase is also consistent with the definition of "Specialized Multipatient Medical Transport" in the code.

§2.12. Comment: Entire paragraph is unclear to commenter.

Response: Again this language is consistent with SB612, and current code. The language was developed by the EMS Coalition which pushed for passage of SB612. The intent is to qualify the use of SMPMT to those who have a medical condition that could possibly require the presence of an EMT, but at the same time doesn't preclude the use of this service by those who have preventive healthcare needs.

§3.1.c. Comment: What about in case of disasters?

Response: These types of vehicles are not equipped with emergency warning devices (lights and sirens) and not much in the way of emergency medical supplies and equipment. They would not be able to be used to deliver basic or advanced life support. In fact, they would be of no greater value in disaster situations than regular (non- EMS licensed) vehicles. Certainly, if the situation was desperate enough, any type of vehicle could be pressed into service. But there is no reason to add language to this rule for that particular class of EMS vehicle in that type of situation.

§ 3.1.d.1. Comment: (paraphrase) These requirements for Class F EMS vehicles are too stringent and cause an unfair disadvantage to EMS Agencies competing with Public Service regulated multipassenger vans. Requirements should be revised, removed or be aligned with the DOT definition of a multipassenger vehicle.

Response: An applicable DOT definition of multipassenger vehicle could not be located. After conferring with members of the EMS Coalition, section 3.1.d.1 is revised to read, "The vehicle shall 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 shall not be permitted."

§3.3.d.3. Comment: Do we assume then that the other lettering can be as large or as

small as wanted?

Response: Yes, many EMS Agency logos are already established. Requiring them to have lettering at some height, other than what already exists, would create an unnecessary cost to the EMS agency.

§4.1.a. Comment: "EMS-P" should be "EMSP".

Response: The appropriate change will be made in the rule.

§ 4.1.b.1. Comment: Does the operator have to have a valid West Virginia permit, or will any state suffice?

Response: This language is consistent with that of the Division of Health EMS rule 64 CSR 48. Driver's of this type of vehicle should abide by current Department of Motor Vehicle code and rules, as should drivers of any class of EMS vehicle.



**Mountain State EMS
Association, Inc.**

**200 Fairmont Ave., Suite 205
Fairmont, WV 26554**

(304) 366-8764

August 10, 2000

W. Jerry Rhodes, Deputy Director
WV Office of EMS
350 Capitol Street, Room 515
Charleston, WV 25301-3716

Dear Jerry:

Attached you will find comments concerning the Division of Health Rule 64-CSR 29 titled Specialized Multipatient Medical Transport.

Thank you, and if you wish to discuss these comments, please feel free to contact me at 366-8764.

Sincerely,

Gail M. Dragoo
President

GMD/misclett.let

Attachments

COMMENTS

Division of Health Rule 64 CSR 29 Specialized Multipatient Medical Transport

NO.	PAGE	SECTION	COMMENT
1.	None	Cover Sheet	Titled Series 29 - I assume that 64 CSR 48 can't just be amended to add this new section?
2.	2	1.1	Remove word "to" in line 3?
3.	3	2.2	Do we need to add EMT-I?
4.	4	2.12	"...trained emergency medical technician..." should be "certified EMSP"?
5.	4	2.12	The entire paragraph is very unclear to me.
6.	4	3.1.c	What about in case of disasters?
7.	4.	3.1.d.3	Do we assume then that the other lettering can be as large or as small as wanted?
8.	5	4.1.a	"EMS-P" should be "EMSP".
9.	5	4.1.b.1	Does the operator have to have a valid West Virginia permit, or will any state suffice?



RECEIVED JUL 31 2000

Cecil H. Underwood
Governor

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Joan E. Ohl
Secretary

MEMORANDUM

TO: EMS Agencies
WV EMS TSN
Regional Medical Directors
EMS Advisory Council

FROM: Mark E. King
Director

DATE: July 20, 2000

The enclosed document is a copy of the Division of Health Rule §64 CSR 29 titled Specialized Multipatient Medical Transport. It is being provided for your review as it is being filed with the Secretary of State as a Proposed Rule. It represents many hours of diligent and collaborative effort involving representatives from EMS associations, WV Office of EMS, and various legislative representatives. A 30 day public comment period has been established in which any questions or legitimate concerns may be communicated in letter form. Such communication should be directed to:

Jerry Rhodes, Deputy Director
Office of Emergency Medical Services
350 Capitol Street, Room 515
Charleston, West Virginia 25301-3716

The deadline for receipt of comments in this office is Monday, August 21, 2000.

MEK/jf

Attachments

pc: David Forinash
Dr. Henry Taylor
Mary Huntley
Dr. Bill Ramsey

**WEST VIRGINIA
SECRETARY OF STATE**

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #2

Do Not Mark In This Box

JUL 13 3 59 AM '00

SEP 1 10 21 AM '00

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Division of Health
Department of Health and Human Resources TITLE NUMBER: 64

RULE TYPE: Legislative; CITE AUTHORITY WV Code §§ 16-4C-23 and 16-1-7

AMENDMENT TO AN EXISTING RULE: YES ___ NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 29

TITLE OF RULE BEING PROPOSED: Specialized Multipatient Medical Transport

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON August 18, 2000 AT 4:30 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

RECEIVED

Jerry Rhodes, Deputy Director

DHHR, Bureau for Public Health

Office of Emergency Medical Service

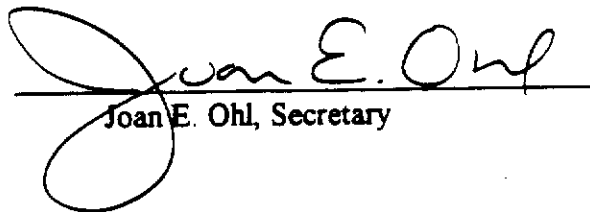
350 Capitol Street, Room 515

Charleston, WV 25301-3716

JUL 13 2000

Legislative Rule Making
Committee

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


Joan E. Ohi, Secretary

**TITLE 64
LEGISLATIVE RULES
DIVISION OF HEALTH**

**SERIES 29
SPECIALIZED MULTIPATIENT MEDICAL TRANSPORT**

*can't be 48?
(amendment)*

2000

**TITLE 64
LEGISLATIVE RULES
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 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 health¹.

§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.

¹ 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.

EMT-I?

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.

certified EMSP

Under ↓

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 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. *disasters?*

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. *- can be as large or small as wanted?*

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; 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) 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:

^{NV}
4.1.b.1. A valid/motor vehicle operator's permit; and

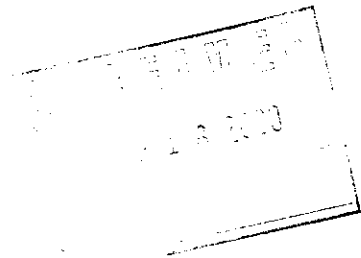
4.1.b.2. Current certification as an EMT-Basic or an equivalent EMSP approved by the commissioner.

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

WEST VIRGINIA **EMS** COALITION

August 15, 2000

Mr. Jerry Rhodes, Deputy Director
DHHR, Bureau for Public Health
Office of Emergency Medical Services
350 Capitol Street, Suite 515
Charleston, WV 25301-3716



Dear Mr. Rhodes,

The West Virginia EMS Coalition has received and reviewed the proposed legislative rule pertaining to Specialized Multipatient Medical Transport.

Having reviewed this rule, the membership of the West Virginia EMS Coalition is concerned about *Section 3.1.d.1*. This section limits the type of vehicle that can be used for a Specialized Multipatient Medical Transport. By limiting the type of vehicles used by an EMS agency, we believe that squads are being prevented from providing the service in the most efficient and cost effective manner.

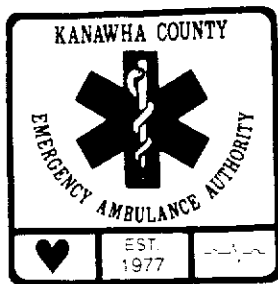
We would request that *Section 3.1.d.1* be removed or revised. If EMS agencies are to provide this level of medical transportation, regulations should not be written in a manner that creates a competitive disadvantage for ambulance squads when compared to PSC regulated carriers.

Past cooperation between the Office of Emergency Medical Services and the EMS community has resulted in improve quality of care for the citizens of West Virginia. We are confident that our continued sharing of ideas will lead to similar progress on this medical transportation issue. Should you have any additional questions about our concerns, please contact me at my office.

Sincerely,

Tom Susman, Executive Director
West Virginia EMS Coalition





601 BROOKS STREET
CHARLESTON, WV 25301

Kanawha County Emergency Ambulance Authority

POST OFFICE BOX 292
CHARLESTON, WEST VIRGINIA 25321
304-345-2312

August 15, 2000

Mr. Jerry Rhodes
Deputy Director
Office of Emergency Medical Services
350 Capitol Street, Suite 515
Charleston, WV 25301-3716

Re: Specialized Multipatient Medical Transport – Division of Health Rule

Dear Mr. Rhodes:

We are in receipt of and have subsequently reviewed the documentation received from the Office of EMS regarding the Division of Health Rule for Specialized Multipatient Medical Transport. In correlation with the (30) day public comment period, we respectfully request that Section 3.1.d.1, pertaining to the Class F EMS Vehicle specifications, be removed or revised. By limiting the type vehicles used by an EMS agency, we would increase the cost to provide the service and create an unfair disadvantage compared to PSC providers. In order for us to provide this level of medical transportation, we must have the ability to maximize our squad's vehicle resources. If we over regulate unnecessarily, we will cause an undue hardship for EMS providers.

Should you have any questions to this regard, please do not hesitate to contact me at our Central facility. In the interim, we look forward to our continued work with the Office of EMS in providing quality emergency medical service for the citizens of Kanawha County.

Sincerely,

Joe Lynch
Executive Director

JL/th



Princeton Rescue Squad, Inc.

P.O. Box 110 ~ 208 North 1st Street
Princeton, WV 24740
Phone: (304) 425-3914 Fax: (304) 431-3518
prsadmin@inetone.net

Jerry Rhodes, Deputy Director
DHHR, Bureau For Public Health
Office of Emergency Medical Services
350 Capitol Street, Room 515
Charleston, WV 25301-3716

Jerry,

This letter is in response to the proposed Rule regarding Specialized Multi-patient Medical Transport. In my opinion the Rule is fine except for Section 64-29-3. sub-section 3.1.d.1. (Vehicle Requirements). I feel by limiting the type of vehicle used will place the EMS provider at a great disadvantage in comparison to the PSC standard, which will only cause an unfair disadvantage in competing for services with those who fall under the PSC. I feel that if a statement is required, it should be the DOT definition of a multi-passenger vehicle.

The only other change would be section 64-29-4. sub-section 4.1.a., the separation in EMS-P should be removed so as not to cause any confusion in its meaning; ie. EMT-P.

Thanks for the opportunity to assist you in this area.

Respectfully,

Robert E. Wynn Jr
RN, CEN, EMSA-RN
President / CEO
Member WV EMS Advisory Council