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Form #5

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: Board of Coal Mine Health and Safety TITLE NUMBER: 36

CITE AUTHORITY: 22A-6-4

RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE x

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

22A-6-4; 22A-6-5; 22A-6-8

AMENDMENT TO AN EXISTING RULE: YES _____ NO x

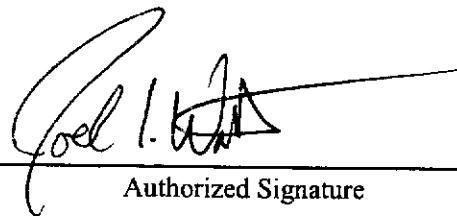
IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

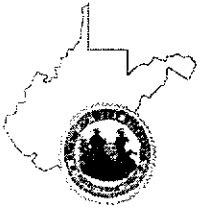
TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 56

TITLE OF RULE BEING PROPOSED: Rules Governing Arrangements for Emergency Medical Assistance and Transportation for Injured Person.

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS January 1, 2014


Authorized Signature



WEST VIRGINIA BOARD OF COAL MINE HEALTH AND SAFETY

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To: All persons interested in Rules and Regulations constructed by the Board of Coal Mine Health and Safety

From: Joel L. Watts, Administrator – BCMH&S

Subject: **Notice of Final Rule**

Title: **36.56, RULES GOVERNING ARRANGEMENTS FOR EMERGENCY MEDICAL ASSISTANCE AND TRANSPORTATION FOR INJURED PERSONS**

Date: 13 December 2013

Effective Date: 1 January 2014

Authority: §22-6-4

The Board of Coal Mine Health and Safety is created pursuant to WV Code §22A-6-1

§36-56

This rule is passed in accordance with §22A-6-4(e) and is a result of the death of Mark A. Gray.

On 28 July 2009, Mark A. Gray died as a result of injuries received in an accident located in a remote area of an active surface coal mine. The Board of Coal Mine Health and Safety has since reviewed all relevant reports and as such determined that such a law as the one attached could help in preventing delays in medical service.

The attached rule is not intended to apply to existing operators, only independent contractors. After much deliberation, the Board has selected this language to insure no interpretation of this regulation can be made to suggest this regulation, 36.56, applies to current operators. Please see 36.56.3.5 and 36.56.3.6 for further clarification.

**TITLE 36
LEGISLATIVE EXEMPT RULE
BOARD OF COAL MINE HEALTH AND SAFETY**

**SERIES 56
RULES GOVERNING ARRANGEMENTS FOR EMERGENCY MEDICAL ASSISTANCE
AND TRANSPORTATION FOR INJURED PERSONS**

§36-56-1. General.

1.1. Scope. – Rules and regulations governing Arrangements for emergency medical assistance and transportation for injured persons; agreements; reporting requirements; posting requirements.

1.2. Authority. – W. Va. Code §22-6-4; §22-6-5(b)

1.3. Filing Date. – 13 December 2013

1.4. Effective Date. – 1 January 2014

§36-56-2. Effects Of Regulations.

2.1. These rules and regulations shall have the effect of law and violations shall be deemed a violation of law and so cited with the same effect as law. All provisions of Article 1A, Chapter 22A of the Code relative to enforcement are applicable to the enforcement of these rules and regulations.

§36-56-3 Arrangements for emergency medical assistance and transportation for injured persons; agreements; reporting requirements; posting requirements.

3.1 Within 30 days of the effective date of this regulation an independent contractor shall make arrangements for emergency transportation for any person injured at the mine including a map to the mine and make arrangements with a licensed physician, medical service, medical clinic, or hospital to provide 24-hour emergency medical assistance for any person injured at the mine. Said arrangements shall specify the names and addresses of these service providers.

3.2 Within 30 days of the effective date of this regulation, all mine operators and independent contractors shall include the information required by sub section 3.1 into the comprehensive mine safety program for new mining operations started up after the effective date of this rule. All independent contractors per sub section 3.1 of this rule shall include directions to any applicable work site currently not contained within existing emergency plans of the mine operator

3.3 Each operator and or independent contractor shall, within 10 days after any change of the arrangements required to be reported under the provisions of this regulation, report such changes to The Director or an authorized representative of the Director. If such changes involve a substitution of persons, the operator, sub-contractor, and or independent contractor shall provide the name, title, and address of the person substituted together with the name and address of the medical service, medical clinic, hospital, or ambulance service with which such person or persons are associated.

3.4 Each operator, sub-contractor, and or independent contractor shall designate an ambulance route and shall clearly post signs at the entrance of the mine indicating designated ambulance routes as well as clearly marking each designated ambulance route.

3.5 Those performing technical work 2 days or more are required to report to the guard or mine office the work to be performed, location of work, and number individuals expected to perform the work and a plan compatible with this regulation. A record of this report will be kept at the guard or mine office.

3.6 Independent contractors working underground or on surface areas of an active underground mine and independent contractors working on the active area of surface mines and preparation plants covered by the operator will not be affected by this rule.