TITLE 56, SERIES 22
RULES GOVERNING THE CERTIFICATION, RECERTIFICATION AND TRAINING OF EMT-MINERS AND THE CERTIFICATION OF EMT-M INSTRUCTORS

Editor's Note:

This rule was filed as an emergency rule and a legislative rule. The effective date of the emergency rule is July 31, 2019. The legislative rule will go before the Legislature during the 2020 Session.

The amendments to this rule:

1. **Close loopholes that have allowed EMT-Ms to miss the required annual training modules and still maintain their certification.**
2. **Require that an individual desiring to become an EMT-M-Instructor must now possess a current certification that is equal to or greater than an EMT-M in order to become an Instructor.**
3. **Grandfather the current EMT-M-Instructors and allow them to continue to teach even though they may not possess a certification equal to or greater than an EMT-M.**
4. **Add definitions for the terms "CPR-Instructor" and "Recertified or Recertification."**
5. **Require EMT-M-Instructors to submit proof to OMHST that their CPR and first aid certifications are current.**

The rule is also amended to include general cleanup changes.

§56-22-1. General.

1.1. Scope. -- This rule establishes a program for the certification, recertification and training of EMT-Miners (EMT-M) and the certification of EMT-M Instructors.

1.2. Authority. -- W. Va. Code §22A-10-3(g).

1.3. Filing Date. -- _____.

1.4. Effective Date. -- _____.

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect upon the expiration of five (5) years from its effective date.

§56-22-2. Purpose.

2.1. This rule establishes a program for the certification, recertification and training of EMT-Miners and the certification of EMT-M Instructors.

§56-22-3. Definitions.

3.1. All definitions found in W. Va. Code §22A-1-2 and W. Va. Code R. §56-3-3 are applicable to this rule.

3.2. Board. The term "Board" means the Board of Coal Mine Health and Safety.

3.3. CPR. The term "CPR" means cardiopulmonary resuscitation.

3.4. CPR-Instructor. The term "CPR-Instructor" means a person possessing a valid and current CPR-Instructor card issued by a nationally-recognized CPR-Instructor training organization.

3.5. Director. The term "Director" means the Director of the Office of Miners' Health, Safety and Training.

3.6. EMT-M. The term "EMT-M" means an individual trained and certified to be an emergency medical technician for the mining industry. The term "EMT-M" means an EMT-Miner as well as EMT-Mining.

3.7. EMT-M Instructor. The term "EMT-M Instructor" means an individual certified by the Director to teach the certification and recertification courses and administer the examinations based on his or her qualifications, experience and background.

3.8. Form prescribed by the Director. The term "form prescribed by the Director" means a form which at a minimum shall require: The full legal name, the full Social Security number, date of birth, mailing address, telephone number (including cell number), and E-mail address of the applicant.

3.9. National DOT Curriculum for First Responders. The term "National DOT Curriculum for First Responders" means the United States Department of Transportation, National Highway Traffic Safety Administration, First Responder National Standard Curriculum.

3.10. Recertified or Recertification. The term "recertified" or "recertification" means either taking the eight (8) hour annual retraining module by December 31 each year or by taking the thirty-two (32) hour retraining course once every three (3) years. Provided, the term "recertified" or "recertification" shall not mean the

method by which an individual shall regain an invalid EMT-M certification after the individual misses two (2) modules.

§56-22-4. Certification and Recertification Requirements for EMT-M.

4.1. An applicant for certification as an EMT-M shall:

4.1.1. Be at least eighteen (18) years old;

4.1.2. Apply on a form prescribed by the Director;

4.1.3. Possess a valid and current CPR certification;

4.1.4. Successfully complete the EMT-M education program authorized by the Director in consultation with the Board; and

4.1.5. Successfully pass the EMT-M cognitive and skills examinations authorized by the Director in consultation with the Board.

4.2. The Director may charge a ten dollar ($10.00) application fee.

4.3. The initial EMT-M certification is valid for a period of three (3) calendar years. During the third year to remain current, the EMT-M must comply with Section 4.4. below.

4.4. To be recertified as an EMT-M, a certificate holder shall:

4.4.1. Apply on a form prescribed by the Director;

4.4.2. Possess a valid and current CPR certification;

4.4.3. Successfully complete one of the following:

4.4.3.a. A thirty-two (32) hour EMT-M recertification course authorized by the Director in consultation with the Board prior to the expiration of the three-year anniversary of the certification; or

4.4.3.b. Annual eight (8) hour retraining and testing programs authorized by the Director in consultation with the Board; and

4.4.4. Successfully pass the EMT-M mining cognitive and skills recertification examination(s) authorized by the Director in consultation with the Board. The recertification examination(s) shall be part of the Instructor evaluations.

4.5. At the end of the annual recertification module or thirty-two (32) hour recertification course, the EMT-M instructor shall submit a roster of the individuals who have successfully completed the annual recertification module or the thirty-two (32) hour recertification course and instructor evaluations. The EMT-M certification of any individual not completing the annual refresher course, absent just cause as determined by the Director, shall become invalid until such time as he or she takes the missed module. If at any time two (2) modules are missed, then the individual must retake the initial sixty (60) hour course and pass the required examinations.

4.6. The EMT-M Instructor shall keep copies of the students' examination skill sheets for at least one (1) year when conducting the annual refresher course.

4.7. An EMT-M may only provide EMT-M services on mining property permitted by the West Virginia Office of Miners' Health, Safety and Training.

4.8. An EMT or medical professionals in other jurisdictions who possess equivalent training as an EMT-M under this rule may apply on a form prescribed by the Director to be certified as an EMT-M subject to approval by the Director in consultation with the Board.

4.9. The Director or his authorized representative shall conduct the examinations for the initial EMT-M certification unless another entity is authorized by the Director in consultation with the Board to conduct the examinations.

4.10. The initial applicant must have a minimum score of seventy (70) percent to be certified as an EMT-M.

4.11. The initial applicant shall have up to one (1) year to retake the parts of the test that he or she failed in order to obtain the EMT-M certification. After one (1) year has passed, if the applicant fails to obtain his/her certification, he/she must repeat the entire EMT-M course.

4.12. The EMT-M curriculum in conjunction with the National DOT Curriculum for First Responders shall be followed when teaching the sixty (60) hour EMT-M certification course. Updates in the DOT curriculum will also apply to the EMT-M curriculum.

§56-22-5. Application Requirements for an Initial EMT-M Instructor Certification.

5.1. An applicant for certification as an EMT-M Instructor shall:

5.1.1. Be a certified or qualified first-aid instructor;

5.1.2. Possess a valid and current EMT-M certificate or its equivalent or be a medical professional

approved by the Director in consultation with the Board;

5.1.3. Be a CPR instructor;

5.1.4. Be at least eighteen (18) years old; and

5.1.5. Apply on a form prescribed by the Director.

5.2. An EMT-M Instructor certification shall remain valid so long as the Instructor meets the requirements of Section 5.1., or the EMT-M Instructor certification is revoked by the Director for good cause. The EMT-M Instructor shall provide documentation to the Director to ensure the requirements of Section 5.1. are valid and current.

5.3. The Director may charge a ten dollar ($10.00) application fee.

§56-22-6. Certification Requirements for Grandfathered EMT-M Instructors.

6.1. Grandfather clause. An EMT-M Instructor in good standing on the effective date of this rule shall be recognized as an EMT-M Instructor so long as he or she possesses a current and valid first aid instructor certificate and a current and valid CPR instructor certificate.

6.2. An EMT-M Instructor certification, grandfathered under Section 6.1., shall remain valid so long as the Instructor meets the requirements of Section 6.1. or the EMT-M Instructor certification is revoked by the Director for good cause. The EMT-M Instructor shall provide documentation to the Director to ensure the requirements of Section 6.1. are valid and current.

§56-22-7. Responsibilities and Duties of an EMT-M Instructor.

7.1. Any person desiring to teach the initial sixty (60) hour EMT-M course, the thirty-two (32) hour course or the eight (8) hour recertification modules shall possess a valid EMT-M Instructor certification issued by the Director.

7.2. An EMT-M Instructor may bring in persons with special expertise to assist in teaching the course so long as they are under the direct supervision of an EMT-M Instructor.

7.3. The EMT-M Instructor shall notify the regional office in the region where the certification or recertification course is being given as soon as practical prior to starting the course. The EMT-M Instructor shall provide directions to the training facility, contact information, the number of applicants, and verification of a valid EMT-M Instructor certification as required in 5.2. or 6.2. of this Section. The class shall be limited to twenty-five (25) students unless approved by the Director.

7.4. The EMT-M Instructor shall provide a CPR certificate from a nationally-recognized CPR training organization to those students who successfully complete the CPR training.