

# WVOEMS Licensing of Emergency Medical Services Agencies

# OEMS

OFFICE OF EMERGENCY  
MEDICAL SERVICES

Division of  
EMS Licensure  
and Certification

West Virginia Department of  
Health and Human Resources



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## Introduction

This manual is to be used as a guide to assist EMS agencies that wish to become licensed EMS agencies in the State of West Virginia. It is meant as a supplement to the Legislative Rule §64 CSR 48 pertaining to the provision of emergency medical services, but not as a replacement or substitute for those rules. Any requirement or standard found in this document can be directly referenced to the appropriate Legislative Rule. EMS entities applying for licensure involving the transport of a patient must meet the requirements and standards of this rule. This also applies to rapid response EMS personnel operating under the OEMS Medical Direction System, who provide on-scene assessment, intervention and treatment without patient transport.

Fire Department rapid response entities shall utilize the WVOEMS Licensing of Fire Departments Manual to guide them through the process.

This manual list and describes all requirements and standards needed to obtain licensure for EMS entities. Also included are those methods the on-site evaluator may employ to verify all standards and requirements are met.

All entities wishing to provide EMS in West Virginia must meet all the requirements outlined in this manual. In addition, the entity must be able to obtain at least seventy percent (70%) of the applicable standards. Some standards may not apply to agencies seeking licensure.

An EMS agency license is valid for two (2), three (3) or four (4) years following a successful inspection visit. However, an agency's license may be revoked for failure to pay appropriate licensure fees or for failure to remain in good standing with Worker's Compensation, Unemployment Compensation, or any other mandatory requirements, as well as for violations of WV Code, Legislative Rules or policies promulgated to regulate EMS agencies in WV.

Any questions regarding this manual or licensure in general should be directed to the West Virginia Office of EMS Licensure Coordinator at (304) 414-2217 or [EMSLicensure@wv.gov](mailto:EMSLicensure@wv.gov). The latest edition of this manual, associated forms and other rules pertaining to licensure are available on the Agency Licensure homepage of our webpage at [www.wvoems.org](http://www.wvoems.org).

## General Agency Licensing Provisions

- I. **License Required** §64-48-4.3 - A person or entity shall not establish or operate and maintain or advertise any service or organization as an EMS agency without a valid OEMS license
- II. **Display of License** §64-48-4.4 - The license to operate shall be publicly displayed in the headquarters of the EMS agency.
- III. **Licensed Service Types** §64-48-4.5 - EMS licenses shall be issued one or more of the following EMS services:
  - EMS Agency Rapid response – Basic Life Support (BLS)
  - EMS Rapid response – Advance Life Support (ALS)
  - Basic Life Support Ground Ambulance
  - Advanced Life Support Ground Ambulance
  - Critical Care Transport Ground Ambulance
  - Rotary wing transport
  - Fixed wing transport
  - Specialized Multi-Patient Medical Transport
  - Fire Department Rapid Response
- IV. **Application** §64-48-4.7 - The EMS agency shall submit an application to OEMS for a license, in a format specified by the Commissioner, prior to agency inspection.
- V. **Verification** §64-48-4.8. - The Commissioner may use whatever lawful investigatory means necessary to verify any or all information contained in an application.
- VI. **Inspection** §64-48-10. - The Commissioner may inspect all places of operation of an EMS agency or proposed EMS agency, at any time, for compliance with the rule. The inspection shall be in addition to other federal, state, or local inspections required by law. The inspection shall include all places of operations and all records of the proposed EMS agency. The Commissioner (WV OEMS) may inspect, but not copy or maintain, records of a protected status.
- VII. **Review of Preliminary Agency Inspection Results** §64-48-4.36.a – When a Preliminary inspection report is completed, the OEMS inspector and the agency’s official representative shall meet to discuss the findings.
  - The agency’s official representative shall either concur with the findings or present documentation or facts disputing any portion of the preliminary inspection report.
    - In the case of disputed findings, the OEMS inspector may concur with the information provided and revise the findings appropriately, or refer to the preliminary inspection report, along with all documentation presented by the official representative to the Director of OEMS for review.
- VIII. **License Issuance** §64-48-9 -The Commissioner shall determine whether an applicant shall be issued a license based upon:
  - The applicant’s previous record of performance in the provision of a similar service
  - The resources available to the applicant for the provision of services
  - An objective measurement of the applicant’s compliance with requirements and standards of this rule
  - Evidence of the applicant’s current compliance with all state, local and federal obligations, included, but not limited to, taxes and worker’s compensations obligations

- IX. Ratings and Renewal Periods** §64-48-4.35 - The standards ratings and renewal periods are determined as follows:
- **“A” rating** – a score of ninety percent (90%) or higher of applicable points. A four (4) year license shall be issued.
  - **“B” rating** - a score of between eighty percent (80%) and eighty-nine percent (89%) of applicable points. A three (3) year license may be issued.
  - **“C” rating** – a score between seventy percent (70%) and seventy-nine percent (79%) of applicable points. A two (2) year license may be issued.
  - **“D” rating** – a score of less than seventy percent (70%) of applicable points. No license shall be issued.
  - **“Provisional” rating** – a score of greater than seventy percent (70%) of applicable points earned by a new agency. Six (6) months license may be issued.
- X. Extension of license** - The Commissioner may extend, as necessary, an agency license for a period of no greater than six (6) months from the date of expiration.
- XI. Plan of Improvement** §64-48-4.37.a – Upon receipt of the final inspection report, an EMS Agency may submit a plan of improvement for a higher score. A plan of improvement shall only be applicable to the standards section of a final license inspection report.
- The agency has ten (10) working days from receipt of the final license inspection report to notify OEMS of intent to submit a plan of improvement
  - The proposed plan of improvement shall be submitted with in fifteen (15) days of initial notification
  - Plans of improvement shall include:
    - Standards to be addressed
    - Specific improvement strategies to be implemented.
    - The desired outcome of the proposed improvements.
    - A proposed implementation period
  - The Commissioner has ten (10) working days to approve or reject the plan
  - The Commissioner shall specify the rejected areas of the plan.
  - In the event the plan is rejected, the agency may submit a revised plan within ten (10) working days of rejection notice receipt.
  - Once an improvement plan is approved, the agency shall complete the proposed improvements within the agency’s specified implementation period.
  - Upon completion of the improvement period, OEMS shall re-inspect the specific standards proposed for improvement.
  - If, as a result of re-inspection, the rating improves, the Commissioner shall issue a new license reflecting the change.
  - If, as a result of re-inspection, there is no improvement, the original license rating shall stand without opportunity for further review until next inspection period.
- XII. Modification of License** §64-48-4.7.b - Any EMS agency seeking to make changes in the level of service, service area, station location or number of vehicles shall submit an application (modification) in a format specified by the Commissioner, prior to making changes. This also includes any management changes within an EMS agency including those serving as the Official Representative, Medical Director or Training Officer. Such changes require submission of a revised application within ten (10) days of the change.
- XIII. Responsibility** §64-48-4.2 – EMS agencies are responsible for ensuring that vehicle operated and maintained by the agency and personnel associated with the agency comply with this rule at all times.

**XIV. Advertising §64-48-4.6** – EMS agencies shall not advertise, in print, electronic or any other media form produced for public consumption, any service for which they are not licensed. Aeromedical agencies shall not solicit direct flight requests from the general public. Agencies may advertise for personnel or other community-oriented activities.

**XV. Agency Fees** – Non-refundable fees for agency license and vehicle permits are due upon receipt of invoice. Fees are:

- Original EMS Agency License Application \$500.00
- Renewal Application \$300.00
- Annual EMS Vehicle Inspection \$200.00 per vehicle
- License Modification \$100.00

**Fees payable to:** West Virginia Bureau for Public Health, WVOEMS

**Currently all fees are to be mailed to the following address. Within the near further, Agencies will be required to pay all fees electronically.**

**Mail fees to:** Bureau for Public Health Office of Emergency Medical Services  
350 Capitol Street, Room 425  
Charleston, West Virginia 25301-3714

## EMS Agency Minimum Requirements

In accordance with §64-48-4.11-19 any agency seeking licensure must meet, at a minimum, the following requirements. These requirements are mandatory and do not necessarily reflect the components evaluated that comprise the total standard points awarded.

Evaluation of the following shall be verified by on-site evaluation, interviews with staff and administration, review of physical or electronic documents, reports, policies and procedures, logs, contracts, etc.

### I. **Place of Operations** §64-48-4.11– EMS agencies shall comply with the following requirements pertaining to all places of operations:

- **Storage** - The EMS agency shall provide adequate and clean storage spaces in an enclosed area for equipment and supplies. These storage spaces shall be constructed to permit thorough cleaning.
- **Supplies** – The EMS agency shall maintain medical supplies required for all the classes of vehicle operated by the agency.
- **Sanitary Requirements** - All areas used for storage of equipment and supplies shall be kept neat, clean and sanitary. Plastic bags or enclosed containers shall be provided for spoiled supplies.
- **Living Quarters** - If crews are required to work twenty-four (24) hour or greater shifts, appropriate quarters shall be provided. These quarters shall meet standards established by WV Code §21-3-1, Safety and Welfare of Employees, and others established by the Commissioner.
- **Medical Waste** - All forms of medical waste shall be stored and disposed of according to WV Code §20-5J-1, et seq. and Division of Health Legislative Rule, Infectious Medical Waste, 64CSR56.

### II. **Operational Policies and Procedures** §64-48-4.12 – EMS agencies shall maintain current written operational policies and procedures which are subject to inspection by the Commissioner. Required policies Operation and procedures include but are not limited to:

- Maintenance of services
- Equipment and facilities management
- Health and safety practices for EMS personnel
- Patient safety
- A medication management plan compliant with federal and state requirements
- Infection control practices
- Anti-harassment
- Vehicle operations
- Personnel management

**Note:** Each component is not required to be a separate document; however, all topics must be addressed by the agency.

Additional aeromedical agency requirements:

- A contemporaneous flight following plan used in all phases of flight operations
- Notification policy for requesting agencies and facilities which include estimated time of arrival and any changes in time or flight status
- A routinely drilled post-accident/incident plan

- A policy to reduce helicopter shopping including appropriate pre-flight screening and cooperation with other aeromedical providers
  - A customer education program addressing patient preparation, landing zone management and customer safety around aircraft & equipment
- III. Records** §64-48-4.13 - The EMS agency is responsible for the preparation and maintenance of all records. All records are subject to inspection by the Commissioner. Records shall be stored in a manner to provide reasonable safety from water and fire damage and from disclosure to persons other than those authorized by law. Secure storage shall be provided for all medical records. EMS agencies shall comply with data collection and reporting requirements in subsection 3.2 of this rule. The EMS agency shall prepare and maintain for a period of not less than seven (7) years the following records:
- Personnel records for EMS personnel and other staff that documents training, qualifications and certifications for the position held.
  - Records for each EMS vehicle including vehicle registration records, records of safety inspections, repair and crash incident reports as specified by the Commissioner.
- IV. Insurance** §64-48-4.14 – Each EMS agency shall have in effect, maintain and furnish proof of errors and omissions, insurance as required by WV Code §16-4C-16, and current insurance policies for all EMS vehicle operated by the agency.
- V. Non-Discrimination** §64-48-4.15 - The EMS agency shall maintain a written policy to prohibit the refusal of emergency response, treatment and transportation of patients with potentially critical illness or injury to the nearest appropriate facility on EMS incidents, regardless of the patient's age, sex, ethnicity or ability to pay for services.
- VI. Public Access** §64-48-4.16 – An EMS agency shall provide a publicly listed telephone number to receive requests for service from the general public within the regular operating area. §64-48-4.16
- The primary emergency number shall be 911. §64-48-4.16.a
  - Secondary telephone numbers may be provided for the provision of non-emergency services. §64-48-4.16.b
  - An EMS agency that, according to written policy, does not respond to calls from the general public and responds only to calls from a defined, closed population, such as the population of an institution, industrial plant, facility or a university, is not required to provide a publicly listed telephone number. These agencies shall provide a telephone number that is known to the defined population served and is answered during all periods when that population may require service. §64-48-4.16.c
- VII. Availability** §64-48-4.17.c - EMS agencies shall ensure service for which they are licensed is available to the public or population served within the regular operating area on a twenty-four (24) hour continuous basis either by providing the service themselves or by written agreement with another licensed EMS agency.
- VIII. Communications** §64-48-4.18 - EMS communication system shall comply with state and federal rules, regulations, policies and protocols.
- IX. Performance Improvement** §64-48-4.19 - The EMS agency shall comply with the minimum performance improvement program as established by the Commissioner.



## EMS Evaluation Standards

In addition to meeting the minimal requirements identified in the previous section, WVOEMS will score the EMS agency or proposed EMS agency according to the applicable standards set forth in §64-48-4.21 through 4.31.

**Note:** Certain standards may not apply to all EMS agencies depending on the type of service provided or population served in accordance with §64-48-4.20. Agencies must score a minimum of 70% based on the rating scale set in §64-48-4.35. Scoring will be conducted on an EMS Agency Inspector Form.

Evaluation of the following shall be verified by on-site evaluation, interviews with staff and administration, review of physical or electronic documents, reports, policies and procedures, logs, contracts, etc.

**Note:** Percentage scored will be calculated by dividing the points earned by the total possible points applicable to individual agencies. (points score/possible points = score)

### I. Level of Service §64-48-4.21

The EMS agency will be scored based upon the level of service provided:

- **15 points** - ALS staffed and equipped EMS vehicles are dispatched on all emergency requests for services, or a tiered response is dispatched based on criteria from an OEMS recognized Emergency Medical Dispatch program.
- **10 points** - ALS services are available only on a part-time basis.
- **5 points** - BLS services only are available.

### II. Medical Accountability §64-48-4.22

The EMS agency should ensure proper medical accountability and oversight through the use of an active medical director.

#### **Offline Medical Direction §64-48-4.22.1:**

- **10 points** - The medical director has a written contract with the EMS agency outlining duties and responsibilities and is actively involved with the agency through direct participation in activities including, but not limited to: oversight of training, skills maintenance and recertification; equipment selection; clinical performance evaluation and the performance improvement process as evidenced by documented participation in quarterly, or more frequent, meetings with agency officials and personnel.
- **5 points** - The medical director has a written contract with the EMS agency outlining duties and responsibilities with minimal evidence of active involvement with the agency.

#### **Performance Improvement §64-48-4.22.2:**

*(This section is non-applicable to New Agency Inspections and Fire Department Rapid Responders)*

The EMS agency demonstrates superior commitment to performance improvement as evidenced by activities substantially exceeding state minimum requirements described in subsection 4.19. of this rule.

- **15 points** -The agency should continuously review and evaluate the quality and appropriateness of patient care delivered by the agency using the state requirements. The EMS agency regularly provides quality review findings to those involved in the activities reviewed. The findings may call for change in operations, specific in-service training for

individuals, or the entire agency. The medical director ensures such findings are binding and implemented and sufficiently documented.

### III. **Rapid Response §64-48-4.23**

The EMS agency may develop and maintain a rapid response system to decrease the response times to emergencies in the service areas.

- **5 points** -The EMS agency has a rapid response program which routinely places trained and equipped personnel on the scene of potential life-threatening emergencies prior to the arrival of an ambulance, in accordance with policies and guidelines established by OEMS.
- **2 points** -The EMS agency has formalized rapid response capabilities provided irregularly or is not available in all parts of the service area.

### IV. **Public Education and Information §64-48-4.24**

The agency should develop a professional community education program to promote proper service utilization.

- **5 Points** - The EMS agency has a community presence which documents the provision of EMS public education and community service programs to the covered population. The EMS agency offers these activities quarterly or more frequently and actively participates with outside organizations and groups.
- **1 Point** - The EMS agency provides limited or intermittent education or service programs to the community.

### V. **Disaster Capability §64-48-4.25**

The EMS agency should develop a rapid response system to disasters and other emergencies. The agency should also develop and practice a plan for use in disasters, including necessary mutual aid agreements. (*Disaster Drills section is non-applicable to New Agency Inspections*)

- **5 Points** - Disaster Plan: The EMS agency has a current, written all-hazards plan for disaster response which is integrated with adjacent providers and emergency management officials. The plan is compliant with current federal and state emergency planning and operational standards.
- **5 Points** - Disaster Drills: The EMS agency conducts, or participates in, disaster drills with adjacent EMS agencies, other emergency response entities and county emergency management agencies at least annually.

### VI. **Mutual Aid §64-48-4.26**

The EMS agency maintains written mutual aid agreements that address adjacent EMS agencies, common communication frequencies, equipment, and cross training.

- **5 Points** - The EMS agency maintains current written mutual aid agreements addressing all aspects of reciprocal service provision with all adjacent EMS agencies or operates under written mutual aid guidelines established by the local EMS system.
- **1 Point** - The EMS agency has limited-scope mutual aid agreements or does not have them with all adjacent EMS agencies.

## VII. Personnel §64-48-4.27

The EMS agency should develop and practice good employment / volunteer practices and procedures.

### **Job Descriptions §64-48-4.27.1:**

- **3 Points** - The EMS agency maintains current written job descriptions for all positions within the agency.

### **Recruitment §64-48-4.27.2:**

- **3 Points** - The EMS agency uses a formal, documented recruitment program to actively recruit new personnel.

### **Personnel Screening §64-48-4.27.3:**

- **3 Points** - The EMS agency screens and selects applicants with a formal, documented, objective process.

### **Orientation §64-48-4.27.4:**

- **3 Points** - The EMS agency uses a formal orientation process with documented completion of specific stated objectives. Documentation of completion is maintained in each personnel file.

### **Retention §64-48-4.27.5:**

- **3 Points** - The EMS agency uses a formal, documented retention program to aid in retention of qualified personnel.

## VIII. Education and Training §64-48-4.28

*(This section is non-applicable to New Agency Inspections and Fire Department Rapid Response Agencies)*

The EMS agency should develop a program to ensure proper continuing education opportunities for all agency staff. This standard DOES NOT require the EMS agency to become an educational institute. The standard may be met by written agreement/contract with a WVOEMS approved educational institute.

### **Personnel Education §64-48-4.28.1:**

- **15 Points** -The EMS agency provides EMS education for all EMS personnel levels within the agency. Educational offerings exceed minimum recertification requirements and include at least one program leading to original certification.
- **10 Points** -The EMS agency provides, or makes available, in-house training activities meeting all minimum recertification requirements for all EMS personnel levels within the agency.
- **5 Points** - The EMS agency provides some in-house training activities meeting some recertification requirements for EMS personnel.

### **Training Officer's Program §64-48-4.28.2:**

- **10 Points** - The EMS agency participates fully in the state approved training officers' program with a qualified designated agency training officer and offers in-house continuing education programs a minimum of two (2) times per year.

## IX. Financial §64-48-4.29

The EMS agency should utilize generally accepted accounting practices and procedures to ensure a stable base for the organization and its employees/members.

**Budget §64-48-4.29.1:**

- **5 Points** - The EMS agency shall have an approved, written operating and capital expenditures budget which includes projected income and expenses, actual income and expenses, and an accounting of budget variances. Budget reports are provided quarterly, at a minimum, to the agency's governing body or ownership, management personnel and other significant stakeholders.

**Financial Stability §64-48-4.29.2:** *(This section is non-applicable to New Agency Inspections and Fire Department Rapid Response agencies)*

- **10 Points** - A full financial audit or quarterly articulated financial statements provided by an independent accounting firm during the license period.
- **5 Points** - A financial review conducted by an independent entity within the license period.
- **2 Points** - Interim articulated financial statements are provided.

**Financial Responsibility §64-48-4.29.2:**

- **5 Points** - The EMS agency has formally designated individuals with financial responsibility. Individuals with financial responsibility shall be appropriately insured or bonded.

**X. Facilities and Equipment §64-48-4.30**

The EMS agency should develop a program of good routine and preventative maintenance to ensure vehicle and equipment reliability, adequacy and safety. The agency should also maintain facilities and supplies adequate to fulfill staff and mission needs.

**Facilities Maintenance Program §64-48-4.30.1:**

- **5 Points** - The EMS agency uses a documented, comprehensive program of routine inspection and preventive maintenance for all agency facilities.

**Vehicle Maintenance Program §64-48-4.30.2:**

- **5 Points** - The EMS agency uses a documented, comprehensive program of routine inspection and preventive maintenance performed by qualified personnel for all EMS vehicles.

**Medical Equipment §64-48-4.30.3:**

- **5 Points** - The EMS agency uses a documented, comprehensive program of routine inspection and preventive maintenance performed by qualified personnel for all EMS medical equipment.

**XI. Accountability and Stability §64-48-4.31**

The EMS agency should be recognized and supported by the local governing body.

**Government Support and Recognition §64-48-4.31.1:**

- **5 Points** - The responsible county commission statutory ambulance authority or other statutory entity charged with the responsibility of providing the service formally recognizes the agency as part of the local EMS system and provides sufficient resources to support agency operations.
- **2 Points** - The agency is formally recognized by the responsible county commission, statutory ambulance authority or other statutory entity charged with the responsibility of providing the service as part of the local EMS system but receives minimal support.

**Organization and Management §64-48-4.31.2**

The agency should develop a statement outlining its mission and purpose as well as providing on-going managerial training for management. The agency should also be formally and legally organized.

**Organization §64-48-4.31.2.a:**

- **5 Points** - The agency is formally and legally organized with clear lines of managerial authority and responsibility as evidenced by an agency charter or articles of incorporation, current written by-laws, current registration with the Secretary of State, current organizational charts, policies, etc.

**Management Education §64-48-4.31.2.b** *(Not applicable to New Agency Inspections):*

- **5 Points** - EMS agency management personnel have documented education in EMS management practices and procedures. Continuing education in management practice is required and current management personnel participation is documented.