

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

H

2

HOUSE BILL 535
Committee Substitute Favorable 3/29/07

Short Title: Criminal Background Reviews - EMS Personnel. (Public)

Sponsors:

Referred to:

March 12, 2007

1 A BILL TO BE ENTITLED
2 AN ACT REQUIRING CRIMINAL BACKGROUND REVIEWS FOR CURRENT
3 AND FUTURE EMS PERSONNEL.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 131E-159 is amended by adding two new subsections to
6 read:

7 "(g) All applicants for initial or renewal EMS credentialing, as well as individuals
8 currently holding a valid EMS credential, shall be subject to a criminal background
9 review, which may include fingerprinting. The Emergency Medical Services
10 Disciplinary Committee, as established by G.S. 143-519, shall review statewide
11 criminal information data to assist in making a recommendation to the Department
12 regarding an applicant's eligibility for initial or renewal EMS credentialing or for
13 maintaining a valid EMS credential under Article 7 of Chapter 131E of the General
14 Statutes. The criminal background reviews required by this subsection shall be
15 conducted in accordance with rules adopted by the Medical Care Commission.
16 Information obtained by the Department under this subsection that identifies any
17 individual with a criminal conviction history, either applying for initial or renewal EMS
18 credentialing or currently holding a valid EMS credential, is confidential and is not a
19 public record.

20 (h) In addition to subsection (g) of this section, if the individual applying for
21 EMS credentialing has resided in North Carolina for less than five years prior to
22 application, the individual shall also submit to a comprehensive national criminal
23 background check at the individual's own expense. The Emergency Medical Services
24 Disciplinary Committee shall review the results of a background check conducted
25 pursuant to this subsection to assist in making a recommendation to the Department
26 regarding an applicant's eligibility for initial EMS credentialing. Information obtained
27 by the Department under this subsection is confidential and is not a public record."

28 **SECTION 2.** Chapter 114 of the General Statutes is amended by adding a
29 new section to read:

1 **"§ 114-19.18. Criminal record checks of EMS personnel.**

2 The Department of Justice may provide to the Department of Health and Human
3 Services the criminal history from the State and National Repositories of Criminal
4 Histories in accordance with G.S. 130E-159 of applicants for initial or renewal EMS
5 credentialing, and of individuals currently holding a valid EMS credential, when this
6 criminal history information is requested by the Emergency Medical Services
7 Disciplinary Committee as part of an ongoing Department of Health and Human
8 Services investigation as established by G.S. 143-519. The Department of Health and
9 Human Services shall provide to the Department of Justice, along with the request, the
10 fingerprints of the individual to be checked, any additional information required by the
11 Department of Justice, and a form consenting to the check of the criminal record and to
12 the use of fingerprints and other identifying information required by the State or
13 National Repositories signed by the individual to be checked. The Department of Health
14 and Human Services shall keep all information obtained pursuant to this section
15 confidential. The Department of Justice shall charge a reasonable fee to offset the costs
16 incurred by it to conduct the checks of the national criminal history records authorized
17 by this section."

18 **SECTION 3.** This act becomes effective July 1, 2007.