

## CHAPTER 229

AN ACT concerning EMT certification, amending P.L.2013, c.101, and supplementing Title 26 of the Revised Statutes.

**BE IT ENACTED** *by the Senate and General Assembly of the State of New Jersey:*

1. Section 1 of P.L.2013, c.101 (C.26:2K-65) is amended to read as follows:

C.26:2K-65 Written standards for certification as EMT-Basic.

1. a. The Commissioner of Health shall establish written standards which a person shall successfully complete in order to be certified as an EMT.

b. A person who possesses a current EMT certification in good standing from another state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico may obtain an EMT certification from the commissioner to provide basic life support and may make application therefor on forms prescribed by the commissioner.

c. The commissioner shall make a determination regarding applications of candidates for certification as an EMT within 30 days of the receipt of a complete application and background check. The determination may provide that the commissioner requires more time to adequately review the application. An application may be denied if the application is incomplete, contains false or fraudulent information, or the applicant has been suspended or revoked in any other state or jurisdiction or would otherwise be ineligible for EMT certification, as determined by the commissioner.

The commissioner shall approve an application upon determining that the certification standards of the applicant's certifying jurisdiction exceed or are equivalent to the EMT certification standards established by the commissioner and the applicant is not disqualified pursuant to P.L.2023, c.229 (C.26:2K-65.1 et al.).

d. Applicants for EMT certification, who have equivalent military training or experience in any branch of the active duty or reserve component of the Armed Forces of the United States or the National Guard of any state, shall be certified by the commissioner if the commissioner determines that the applicant's military training and experience exceed or are equivalent to the certification standards established by the commissioner.

C.26:2K-65.1 Disqualification, EMT certification; criminal history record background check; rehabilitation.

2. a. The Department of Health shall not issue a certification to an EMT candidate unless the commissioner first determines, consistent with the requirements of sections 1 through 4 of P.L.2023, c.229 (C.26:2K-65 through 26:2K-65.3), that no criminal history record information exists on file in the Federal Bureau of Investigation, Identification Division, or in the State Bureau of Identification in the Division of State Police, which would disqualify that person from being licensed.

An EMT certified by the department prior to the effective date of P.L.2023, c.229 (C.26:2K-65.1 et al.) who has not undergone a criminal history record background check, shall undergo the criminal history record background check as a condition of that individual's recertification following the effective date of P.L.2023, c.229 (C.26:2K-65.1 et al.).

A follow-up criminal history record background check of federal records shall be conducted at least once every three years as a condition of recertification for every EMT.

b. An EMT candidate shall be disqualified from certification if that candidate's criminal history record background check reveals a record of conviction of any of the following crimes or offenses:

(1) In New Jersey, any crime or disorderly persons offense:

(a) involving danger to the person, meaning those crimes and disorderly persons offenses set forth in N.J.S.2C:11-1 et seq., N.J.S.2C:12-1 et seq., N.J.S.2C:13-1 et seq., N.J.S.2C:14-1 et seq., or N.J.S.2C:15-1 et seq.;

(b) involving arson as set forth in N.J.S.2C:17-1 or causing or risking widespread injury or damage as set forth in N.J.S.2C:17-2;

(c) involving forgery and fraudulent offenses as set forth in chapter 21 of Title 2C of the New Jersey Statutes;

(d) against the family, children, or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S.2C:24-1 et seq.;

(e) involving theft as set forth in chapter 20 of Title 2C of the New Jersey Statutes;

(f) involving any controlled dangerous substance or controlled substance analog as set forth in chapter 35 of Title 2C of the New Jersey Statutes; or

(g) that would qualify the person for registration pursuant to section 2 of P.L.1994, c.133 (C.2C:7-2).

(2) In any other state or jurisdiction, of any crime or disorderly persons offense involving conduct which, if committed in this State, would constitute any of the crimes or disorderly offenses described in paragraph (1) of this subsection.

c. Except for a disqualification based on conviction for a crime enumerated in subparagraph (g) of paragraph (1) of subsection b. of this section or a crime in any other state or jurisdiction involving conduct which, if committed in this State, would constitute a crime enumerated in subparagraph (g) of paragraph (1) of subsection b. of this section, a person shall not be disqualified from licensure on the basis of any conviction disclosed by a criminal history record background check performed pursuant to the requirements of this act if the person has affirmatively demonstrated to the commissioner clear and convincing evidence of the person's rehabilitation.

In determining whether a person has affirmatively demonstrated rehabilitation, the following factors shall be considered:

(1) the nature and responsibility of the position which the convicted person would hold, has held or currently holds, as the case may be;

(2) the nature and seriousness of the offense;

(3) the circumstances under which the offense occurred;

(4) the date of the offense;

(5) the age of the person when the offense was committed;

(6) whether the offense was an isolated or repeated incident;

(7) any social conditions which may have contributed to the offense; and

(8) any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of those who have had the person under their supervision.

d. If a person subject to the provisions of sections 1 through 4 of P.L.2023, c.229 (C.26:2K-65 through 26:2K-65.3) refuses to consent to, or cooperate in, the securing of a criminal history background check, the commissioner shall, as applicable:

(1) not issue an EMT certification; or

(2) revoke the person's EMT certification.

C.26:2K-65.2 EMT certification applicant, personal information, criminal history record background check results, notice to applicant; petition, hearing.

3. a. An applicant for certification as an EMT who is required to undergo a criminal history record background check pursuant to P.L.2023, c.229 (C.26:2K-65.1 et al.) shall submit to the commissioner that individual's name, address, and fingerprints in accordance with the standards established by the New Jersey State Police and the Federal Bureau of Investigation for civil applicants. The commissioner is authorized to exchange fingerprint data with and receive criminal history record information from the Federal Bureau of Investigation and the Division of State Police for use in making the determinations required by P.L.2023, c.229 (C.26:2K-65.1 et al.).

b. Upon receipt of the criminal history record information for a person from the Federal Bureau of Investigation or the Division of State Police, the commissioner shall immediately notify, in writing, the applicant of the results of the criminal history record background check. If the person is disqualified, the conviction or convictions which constitute the basis for the disqualification shall be identified in the notice to the person, but shall not be identified to any other person.

c. The person who is the subject of the background check shall have 30 days from the date of the written notice of disqualification to petition the commissioner for a hearing on the accuracy of the person's criminal history record information or to establish the person's rehabilitation under subsection c. of section 2 of P.L.2023, c.229 (C.26:2K-65.1). Upon the issuance of a final decision following a petition to the commissioner pursuant to this subsection, the commissioner shall notify the person as to whether the person remains disqualified from licensure.

C.26:2K-65.3 EMT certification candidate, criminal history record background check, costs.

4. The Department of Health may require a candidate for an EMT certification to bear the costs of the criminal history record background check as may be deemed necessary by the department.

5. This act shall take effect immediately.

Approved January 8, 2024.