

[First Reprint]

**SENATE, No. 461**

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**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

**Sponsored by:**

**Senator NICHOLAS J. SACCO**

**District 32 (Bergen and Hudson)**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Co-Sponsored by:**

**Senators O'Scanlon and Zwicker**

**SYNOPSIS**

Provides for reciprocity of certain out-of-State EMT certification; establishes criminal history record background check process.

**CURRENT VERSION OF TEXT**

As amended by the Senate on December 19, 2022.



**(Sponsorship Updated As Of: 2/2/2023)**

1 AN ACT concerning EMT certification <sup>1</sup>**【and】** , amending P.L.2013,  
 2 c.101,<sup>1</sup> and supplementing Title 26 of the Revised Statutes.

3  
 4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
 5 *of New Jersey:*

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 7 <sup>1</sup>**【1.** The commissioner, with the approval of the State Board of  
 8 Medical Examiners, shall establish written standards which a person  
 9 shall successfully complete in order to be certified as an EMT-  
 10 Basic.

11 Applicants for EMT-Basic certification, who have obtained  
 12 EMT-Basic certification from a state, territory, or possession of the  
 13 United States, the District of Columbia, or the Commonwealth of  
 14 Puerto Rico, shall be certified by the commissioner if the  
 15 commissioner determines that the certification standards of the  
 16 applicant's certifying jurisdiction exceed or are equivalent to the  
 17 certification standards established by the commissioner.**】**<sup>1</sup>

18  
 19 <sup>1</sup>1. Section 1 of P.L.2013, c.101 (C.26:2K-65) is amended to  
 20 read as follows:

21 1. a. The Commissioner of Health **【and Senior Services ,** with  
 22 the approval of the State Board of Medical Examiners,**】** shall  
 23 establish written standards which a person shall successfully  
 24 complete in order to be certified as an **【EMT-Basic】** EMT.

25 b. A person who has obtained an EMT certification from another  
 26 state, territory, or possession of the United States, the District of  
 27 Columbia, or the Commonwealth of Puerto Rico shall obtain an  
 28 EMT certification from the commissioner to provide basic life  
 29 support and shall make application therefor on forms prescribed by  
 30 the commissioner.

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

40 The commissioner shall approve an application upon determining  
 41 that the certification standards of the applicant's certifying  
 42 jurisdiction exceed or are equivalent to the EMT certification  
 43 standards established by the commissioner and the applicant is not  
 44 disqualified pursuant to P.L. , c. (pending before the Legislature  
 45 as this bill).

**EXPLANATION** – Matter enclosed in bold-faced brackets **【thus】** in the above bill is  
 not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate floor amendments adopted December 19, 2022.

d. Applicants for EMT-Basic 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.<sup>1</sup>  
(cf: P.L.2013, c.101, s.1)

<sup>1</sup>2. (New section) 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. c. (C. ) (pending before the Legislature as this bill), 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 licensed by the department prior to the effective date of P.L. c. (C. ) (pending before the Legislature as this bill) 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. c. (C. ) (pending before the Legislature as this bill).

A follow-up criminal history record background check of federal records shall be conducted at least once every two 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 a crime or offense:

(1) 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.;

(2) 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; or

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

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

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

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

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

3 (8) committed in another state or jurisdiction involving conduct  
4 which, if committed in this State, would constitute any of the  
5 crimes or offenses described in paragraphs (1) through (8) of this  
6 subsection.

7 c. Except for a disqualification based on conviction for a crime  
8 enumerated in paragraph (7) of subsection b. of this section or a  
9 crime in any other state or jurisdiction involving conduct which, if  
10 committed in this State, would constitute a crime enumerated in  
11 paragraph (7) of subsection b. of this section, a person shall not be  
12 disqualified from licensure on the basis of any conviction disclosed  
13 by a criminal history record background check performed pursuant  
14 to the requirements of this act if the person has affirmatively  
15 demonstrated to the commissioner clear and convincing evidence of  
16 the person's rehabilitation.

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

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

22 (2) the nature and seriousness of the offense;

23 (3) the circumstances under which the offense occurred;

24 (4) the date of the offense;

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

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

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

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

35 d. The commissioner shall not issue an EMT certification or shall  
36 revoke a person's EMT certification, as applicable, if that person  
37 refuses to consent to or cooperate in securing a criminal history  
38 record background check pursuant to the provisions of P.L. \_\_\_\_\_,

39 c. (pending before the Legislature as this bill.)<sup>1</sup>  
40

41 <sup>1</sup>3. (New section) a. An applicant for certification as an EMT  
42 who is required to undergo a criminal history record background  
43 check pursuant to P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending before the  
44 Legislature as this bill) shall submit to the commissioner that  
45 individual's name, address, and fingerprints in accordance with the  
46 standards established by the New Jersey State Police and the  
47 Federal Bureau of Investigation for civil applicants.

1     The commissioner shall be authorized to exchange fingerprint  
2     data with and receive criminal history record information from the  
3     Federal Bureau of Investigation and the Division of State Police for  
4     use in making the determinations required by P.L. \_\_\_\_\_,  
5     c. (C. \_\_\_\_\_) (pending before the Legislature as this bill).

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

14    c. The person who is the subject of the background check shall  
15    have 30 days from the date of the written notice of disqualification  
16    to petition the commissioner for a hearing on the accuracy of the  
17    person's criminal history record information or to establish the  
18    person's rehabilitation pursuant to subsection c. of section 2 of  
19    P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending before the Legislature as this  
20    bill).

21    Upon the issuance of a final decision following a petition to the  
22    commissioner pursuant to this subsection, the commissioner shall  
23    notify the person as to whether the person remains disqualified from  
24    licensure.<sup>1</sup>

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26    <sup>1</sup>4. (New section) The Department of Health may require a  
27    candidate for an EMT certification to bear the costs of the criminal  
28    history record background check as may be deemed necessary by  
29    the department.<sup>1</sup>

30  
31    <sup>1</sup>**[2.] 5.**<sup>1</sup> This act shall take effect immediately.