

[Second Reprint]

SENATE, No. 461

STATE OF NEW JERSEY
220th LEGISLATURE

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 February 2, 2023.



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

1 AN ACT concerning EMT certification ¹**[and]** , amending P.L.2013,
 2 c.101,¹ 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:

6
 7 ¹**[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.**]**¹

18
 19 ¹1. 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 ²**[has obtained an]** possesses a current² EMT
 26 certification ²in good standing² from another state, territory, or
 27 possession of the United States, the District of Columbia, or the
 28 Commonwealth of Puerto Rico ²**[shall]** may² obtain an EMT
 29 certification from the commissioner to provide basic life support
 30 and ²**[shall]** may² make application therefor on forms prescribed by
 31 the commissioner.

32 c. The commissioner shall make a determination regarding
 33 applications of candidates for certification as an EMT within 30
 34 days of the receipt of a complete application and background check.
 35 The determination may provide that the commissioner requires
 36 more time to adequately review the application. An application may
 37 be denied if the application is incomplete, contains false or
 38 fraudulent information, or the applicant has been suspended or
 39 revoked in any other state or jurisdiction or would otherwise be
 40 ineligible for EMT certification ², as determined by the
 41 commissioner².

42 The commissioner shall approve an application upon determining
 43 that the certification standards of the applicant's certifying
 44 jurisdiction exceed or are equivalent to the EMT certification

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:

¹Senate floor amendments adopted December 19, 2022.

²Senate floor amendments adopted February 2, 2023.

standards established by the commissioner and the applicant is not disqualified pursuant to P.L. __, c. __²(C. __)²(pending before the Legislature as this bill).

d. Applicants for ²**["EMT-Basic"] EMT²** 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.¹

(cf: P.L.2013, c.101, s.1)

¹2. (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 ²**["sections 1 through 4 of"]²** 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.² ² __, 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 ²**["a crime or offense"]** any of the following crimes or offenses²:

(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;
²**["or"]²**

(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;

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

(8) committed in another state or jurisdiction involving conduct which, if committed in this State, would constitute any of the crimes or offenses described in paragraphs (1) through ²[(8)] ⁷7² of this subsection.

c. Except for a disqualification based on conviction for a crime enumerated in paragraph (7) 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 paragraph (7) 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. The commissioner shall not issue an EMT certification or shall revoke a person's EMT certification, as applicable, if that person refuses to consent to or cooperate in securing a criminal history record background check pursuant to the provisions of P.L. _____, c. ²(C. _____)²(pending before the Legislature as this bill)¹ ² ².

¹3. (New section) a. An applicant for certification as an EMT who is required to undergo a criminal history record background

1 check pursuant to P.L. , c. (C.) (pending before the
2 Legislature as this bill) shall submit to the commissioner that
3 individual's name, address, and fingerprints in accordance with the
4 standards established by the New Jersey State Police and the
5 Federal Bureau of Investigation for civil applicants.

6 The commissioner shall be authorized to exchange fingerprint
7 data with and receive criminal history record information from the
8 Federal Bureau of Investigation and the Division of State Police for
9 use in making the determinations required by P.L. ,
10 c. (C.) (pending before the Legislature as this bill).

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

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

26 Upon the issuance of a final decision following a petition to the
27 commissioner pursuant to this subsection, the commissioner shall
28 notify the person as to whether the person remains disqualified from
29 licensure.¹

30
31 ¹4. (New section) The Department of Health may require a
32 candidate for an EMT certification to bear the costs of the criminal
33 history record background check as may be deemed necessary by
34 the department.¹

35
36 ¹**[2.] 5.**¹ This act shall take effect immediately.