

FISCAL IMPLICATIONS

SB 98/SJCS does not include an appropriation.

The bill includes the provision that funding for the EMS criminal history background checks will be borne by the applicant or licensee.

The Department of Health indicates it can absorb any additional operating costs associated with implementing criminal history background screening for emergency medical services applicants and licensees and promulgating the rules associated with the screenings. Applicants and licensees will pay for their screenings in collaboration with the FBI and DPS, and DOH will review the information and determine the award, denial, suspension or revocation of licensure or any other disciplinary action.

SIGNIFICANT ISSUES

DOH/EMS Bureau indicates it currently relies on self-reporting of criminal offenses by the license applicant. Some career fire departments and private ambulance services do criminal background checks on a routine basis; however, there are many volunteer fire departments and other paid emergency services companies that do not routinely conduct criminal background checks for their volunteers and employees, both in urban and rural areas.

DOH reports in order to maintain the public trust and safety, the method proposed in SB 98/SJCS of conducting criminal background investigations is preferred and is the standard among other licensing entities statewide. The provisions of the bill would allow the Emergency Medical Systems Bureau to screen EMS license applicants and licensees to the same level as other applicants seeking other New Mexico licenses such as educators and many other healthcare professionals.

ADMINISTRATIVE IMPLICATIONS

DOH reports if SB 98 is enacted, the DOH EMS Bureau anticipates the Department of Public Safety would allow the DOH EMS Bureau access to a criminal history background database through a secure portal, where the applicant or licensee data will be provided. The applicant or licensee data shall be kept confidential through the policies required by DPS and the Federal Bureau of Investigation (FBI). EMS will develop and promulgate rules to implement the criminal history background screening of license applicants.

OTHER SUBSTANTIVE ISSUES

For informational and comparative purposes, the Department of Health's Health Certification, Licensing and Oversight Program currently has over \$1.5 million to conduct criminal background checks for caregivers under the Caregivers Criminal History Screening Program (CCHSP). In FY13, the CCHSP processed 33,571 fingerprint applications for caregivers, and has been collaborating with the Department of Public Safety (DPS) to implement a \$1.5 million three-year grant from the U.S. Centers for Medicare and Medicaid Services (CMS) called RapBack. The program provides electronic scanning of fingerprints through LiveScan and electronic data entry by facilities and healthcare providers to protect the health and safety of New Mexicans by identifying caregivers found to have committed a felony, as well as improving the

accurate and efficient processing of fingerprints.

RAE/ds:svb