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SENATE BILL 98

**51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014**

INTRODUCED BY

Sander Rue

AN ACT

RELATING TO PROFESSIONAL AND OCCUPATIONAL LICENSURE; AMENDING  
AND ENACTING SECTIONS OF THE EMERGENCY MEDICAL SERVICES ACT TO  
PROVIDE FOR CRIMINAL HISTORY BACKGROUND CHECKS OF PERSONS  
APPLYING FOR LICENSURE OR LICENSED TO PROVIDE EMERGENCY MEDICAL  
SERVICES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 24-10B-1 NMSA 1978 (being Laws 1983,  
Chapter 190, Section 1) is amended to read:

"24-10B-1. SHORT TITLE.--~~[This act]~~ Chapter 24, Article  
10B NMSA 1978 may be cited as the "Emergency Medical Services  
Act"."

SECTION 2. A new section of the Emergency Medical  
Services Act is enacted to read:

"[NEW MATERIAL] CRIMINAL HISTORY BACKGROUND CHECKS.--

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1           A. The department may obtain a criminal history  
2 record of an applicant or licensee from the department of  
3 public safety, the federal bureau of investigation or any other  
4 law enforcement agency or organization that meets the criminal  
5 history standards set by the federal bureau of investigation or  
6 the department of public safety.

7           B. Arrest record information received from the  
8 department of public safety and the federal bureau of  
9 investigation shall be privileged and shall not be disclosed to  
10 persons not directly involved in the decision affecting the  
11 applicant or licensee. The department shall comply with  
12 applicable confidentiality requirements of the department of  
13 public safety and the federal bureau of investigation regarding  
14 the dissemination of criminal history background check  
15 information. Electronic live fingerprint scans may be used  
16 when conducting criminal history background checks.

17           C. An applicant or licensee whose license is  
18 denied, suspended or revoked or who is otherwise disciplined  
19 based on information obtained in a criminal history background  
20 check shall be entitled to appeal the decision under the  
21 provisions of the Uniform Licensing Act.

22           D. The secretary shall adopt and promulgate rules  
23 relating to criminal history background checks for applicants  
24 and licensees. These rules shall include:

25           (1) procedures for obtaining criminal history

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1 background checks of applicants and licensees pursuant to the  
2 Emergency Medical Services Act;

3 (2) requiring applicants and licensees to be  
4 fingerprinted;

5 (3) providing an opportunity to an applicant  
6 who has been denied licensure or a licensee whose license has  
7 been suspended or revoked on the basis of information that the  
8 department receives pursuant to a criminal history background  
9 check to inspect or challenge the validity of the background  
10 check record;

11 (4) providing for the use of state and  
12 national criminal history records of an applicant or licensee  
13 from the department of public safety, federal bureau of  
14 investigation or any other law enforcement agency or  
15 organization;

16 (5) providing for submission of an applicant's  
17 or licensee's fingerprint cards to the federal bureau of  
18 investigation to conduct a national criminal history background  
19 check and to the department of public safety to conduct a state  
20 criminal history background check, identifying what information  
21 obtained from a criminal history background check may form the  
22 basis of denial, suspension or revocation of a license or any  
23 other disciplinary action; and

24 (6) the frequency with which the department  
25 shall require a criminal history background check.

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E. The provisions of the Criminal Offender Employment Act shall govern any consideration of criminal records required or permitted by the Emergency Medical Services Act.

F. As used in this section:

(1) "applicant" means a person applying for licensure to provide emergency medical services under the Emergency Medical Services Act; and

(2) "licensee" means a person that holds a license to provide emergency medical services under the Emergency Medical Services Act."

**SECTION 3. EFFECTIVE DATE.**--The effective date of the provisions of this act is July 1, 2014.