

1 SENATE BILL 116

2 **50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

3 INTRODUCED BY

4 Sander Rue

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10 AN ACT

11 RELATING TO PROFESSIONAL AND OCCUPATIONAL LICENSES; ENACTING A
12 NEW SECTION OF THE EMERGENCY MEDICAL SERVICES ACT; PROVIDING
13 FOR CRIMINAL BACKGROUND CHECKS OF PERSONS PROVIDING EMERGENCY
14 MEDICAL SERVICES.

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

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

19 "24-10B-1. SHORT TITLE.--~~[This act]~~ Chapter 24, Article
20 10B NMSA 1978 may be cited as the "Emergency Medical Services
21 Act"."

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

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

25 A. The department may obtain nationwide criminal

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1 history records of applicants and licensees from the department
2 of public safety, the federal bureau of investigation or any
3 other law enforcement agency or organization.

4 B. The department shall adopt rules that provide
5 for criminal background checks for applicants and licensees to
6 include:

7 (1) requiring and setting forth the procedures
8 for criminal background checks of applicants and licensees
9 pursuant to the Emergency Medical Services Act;

10 (2) requiring applicants and licensees to be
11 fingerprinted;

12 (3) providing for an applicant who has been
13 denied licensure or a licensee whose license has been suspended
14 or revoked based on a background check to inspect or challenge
15 the validity of the background check record;

16 (4) establishing a fingerprint and background
17 check fee not to exceed seventy-five dollars (\$75.00) to be
18 paid by the applicant or licensee;

19 (5) providing for the use of state and
20 national criminal history records of the applicant or licensee
21 from the department of public safety, federal bureau of
22 investigation or any other law enforcement agency or
23 organization;

24 (6) providing for submission of an applicant's
25 or licensee's fingerprint cards to the federal bureau of

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1 investigation to conduct a national criminal history background
2 check and to the department of public safety to conduct a state
3 criminal history check; and

4 (7) identifying what information obtained from
5 a criminal background check may form the basis of denial,
6 suspension or revocation of a license or any other disciplinary
7 action.

8 C. Arrest record information received from the
9 department of public safety and the federal bureau of
10 investigation shall be privileged and shall not be disclosed to
11 persons not directly involved in the decision affecting the
12 applicant or licensee. The department shall comply with
13 applicable confidentiality requirements of the department of
14 public safety and the federal bureau of investigation regarding
15 the dissemination of criminal background check information.

16 D. Electronic live fingerprint scans may be used
17 when conducting criminal history background checks.

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

23 F. As used in this section:

24 (1) "applicant" means a person applying for
25 licensure to provide emergency medical services under the

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1 Emergency Medical Services Act; and

2 (2) "licensee" means a person already licensed
3 to provide emergency medical services under the Emergency
4 Medical Services Act."

5 SECTION 3. EFFECTIVE DATE.--The effective date of the
6 provisions of this act is July 1, 2011.

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