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## FISCAL IMPACT REPORT

ORIGINAL DATE 01/23/13

SPONSOR Rue LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_

SHORT TITLE EMS Provider Background Checks SB 77

ANALYST Trowbridge

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	NFI	NFI	NFI	NFI	NFI	NFI

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Department of Health (DOH)

Department of Public Safety (DPS)

### SUMMARY

#### Synopsis of Bill

Senate Bill 77 (SB77) proposes to amend the Emergency Medical Services (EMS) Act to require criminal background checks of persons providing emergency medical services in New Mexico.

### FISCAL IMPLICATIONS

SB 77 does not fiscally impact the state, instead, Emergency Medical Technician (EMT) applicants will be required to make an appointment to have their fingerprints scanned electronically at one of the 43 Department of Public Safety vendor sites statewide. The applicant will be responsible for payment of associated fees totaling \$52.50. The EMS Bureau would incorporate this new licensing requirement into its regular program activities.

### SIGNIFICANT ISSUES

DOH notes that SB77 is a Department-sponsored bill. This measure was created to increase public health and safety of New Mexicans seeking emergency medical services.

The State of New Mexico does not require criminal background checks to license Emergency Medical Technicians. 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 medical services companies that do not routinely conduct criminal background checks for their volunteers and employees, both in urban and rural areas.

The DOH Emergency Medical Services (EMS) Bureau currently relies specifically on self-reporting of criminal offenses by the license applicant. If the applicant confirmed that they had been convicted of a misdemeanor or felony the individual must provide court documentation related to the offense(s). Felony and some misdemeanor cases are then referred to the EMS Licensing Commission for approval (pending successful completion of the licensing examination) or denial of EMS licensure in New Mexico.

This method of self-reporting relies on the applicant's honesty and integrity in completing an application for EMS licensure. In trying to research these individuals that self-report a past criminal issue, the DOH EMS Bureau is limited to the public access granted by the New Mexico Courts website to look up criminal court cases in New Mexico. The EMS Bureau does not have the ability to review cases from out-of-state.

To maintain the public trust and safety, the method proposed in this bill of conducting criminal background investigations is preferred and is the standard among other licensing entities statewide. This proposed bill will allow the DOH EMS Bureau to screen EMT license applicants and licensees to the same level that applicants seeking other New Mexico licenses, such as educators and virtually all other members of the healthcare professions.

The Department of Public Safety notes that pursuant to federal law, in order to utilize the FBI's criminal background information system for employment or licensing purposes, a state agency must be authorized by a state statute to do so.

## **PERFORMANCE IMPLICATIONS**

According to DOH, SB77 relates to the DOH FY2014 Strategic Plan - Goal 2: Improve Health Care Quality. The Epidemiology and Response Division objective is to: Identify ongoing processes to improve Emergency Medical Systems and Trauma Care in New Mexico.

## **ADMINISTRATIVE IMPLICATIONS**

DOH notes that this is a proposed new amendment to the EMS Act; Section 24-10B-1, NMSA 1978. The DPS will utilize a contracted vendor to obtain fingerprints from applicants and licensees. The fingerprints will be matched to the criminal history record information database, should an individual have a criminal background. If this bill is passed, the DOH EMS Bureau anticipates the DPS allowing the Bureau access to a criminal history background database through a secure portal, where the applicant or licensee data will be provided.

According to DPS, it is the administrative agency for background checks, and it indicates that this will not have a significant impact on DPS operations. The applicant or licensee data shall be kept confidential through the policies required by the DPS and Federal Bureau of Investigation (FBI). The DOH Information Technology Services Division (ITSD) will provide technical resources as required. The DOH EMS Bureau will develop and promulgate rules to implement the criminal history background screening of license applicants.

### **OTHER SUBSTANTIVE ISSUES**

The DOH notes that the substance of SB 77 must be incorporated into state statute for its EMS Bureau to conduct criminal history background checks on applicants and licensees using the FBI criminal history record information (CHRI) under Public Law 92-544. Additionally, the DOH EMS Bureau will develop and promulgate rules to implement the criminal history background screening of license applicants.

DPS indicates it will send the proposed language in SB77 to the FBI Access Integrity Unit for language approval to confirm the language is sufficient should the bill be enacted into law to assure the State of New Mexico can use the FBI database.

### **DISPARITIES ISSUES**

DOH indicates that the population that has a history of criminal behavior would not necessarily be prohibited from practicing as an EMS caregiver. Once the full criminal history is known, the individual would have an opportunity to appear before the EMS Licensing Commission, which could grant the individual the opportunity to license upon showing rehabilitation and completed court obligations.

Rural communities rely, in many cases, exclusively on a volunteer EMS response. These criminal background checks will help assure rural residents that the DOH has done everything possible to assure they have a trusted and professional level response.

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

If SB 77 is not enacted, applicants seeking New Mexico EMS licensure will not receive criminal background checks, potentially allowing individuals with an unknown or unreported criminal history intimate access to individuals, families, and residences of those in need of emergency care in rural and urban communities.

TT/bm