

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 98

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

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 SCREENING.--

.196592.1

underscored material = new
[bracketed material] = delete

1 A. The department is authorized to obtain the
2 criminal history records of applicants and licensees and to
3 exchange fingerprint data directly with the federal bureau of
4 investigation, the department of public safety and any other
5 law enforcement agency or organization. The department shall
6 require fingerprinting of applicants and licensees for the
7 purposes of this section.

8 B. The secretary shall adopt and promulgate rules
9 to:

10 (1) require criminal history background checks
11 for applicants and licensees;

12 (2) identify the information from a criminal
13 history background check that may form the basis of a denial,
14 suspension or revocation of licensure or any other disciplinary
15 action; and

16 (3) otherwise carry out the provisions of this
17 section.

18 C. The department shall comply with applicable
19 confidentiality requirements of the department of public safety
20 and the federal bureau of investigation regarding the
21 dissemination of criminal history background check information.

22 D. An applicant or licensee whose license is
23 denied, suspended or revoked, or who is otherwise disciplined
24 based on information obtained in a criminal history background
25 check, shall be entitled to review the information obtained

1 pursuant to this section and to appeal the decision pursuant to
2 the Uniform Licensing Act.

3 E. The applicant or licensee shall bear any costs
4 associated with ordering or conducting criminal history
5 background checks.

6 F. The provisions of the Criminal Offender
7 Employment Act shall govern any consideration of criminal
8 history records required or permitted by the Emergency Medical
9 Services Act.

10 G. As used in this section:

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

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

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