

The Senate Health and Human Services Committee offered the following substitute to HB 325:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 11 of Title 31 of the Official Code of Georgia Annotated,
2 relating to emergency medical services personnel, so as to authorize the Department of
3 Community Health to require fingerprinting and criminal background investigations of all
4 applicants for licensure and currently licensed emergency medical services personnel; to
5 provide definitions; to provide for related matters; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

8 Article 3 of Chapter 11 of Title 31 of the Official Code of Georgia Annotated, relating to
9 emergency medical services personnel, is amended by adding a new Code section to read as
10 follows:
11

12 "31-11-50.1.

13 As used in this article, the term:

14 (1) 'Center' means the Georgia Crime Information Center.

15 (2) 'Certify' and 'certification' are synonymous with 'license' and 'licensure.'

16 (3) 'Emergency medical services personnel' means all individuals licensed by the
17 department under this article.

18 (4) 'Recertify' and 'recertification' are synonymous with 'renew license' and 'license
19 renewal.'

SECTION 2.

20 Said article is further amended by revising Code Section 31-11-51, relating to certification
21 and recertification of emergency medical technicians, as follows:
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23 "31-11-51.

24 (a) As used in this Code section, the term 'conviction data' means a record of a finding or
25 verdict of guilty or plea of guilty or plea of nolo contendere with regard to any crime,
26 regardless of whether an appeal of the conviction has been sought.

27 (b) The board shall, by regulation, authorize the department to establish procedures and
28 standards for certifying and recertifying initial licensing and license renewal for emergency
29 medical technicians services personnel. The department shall succeed to all rules and
30 regulations, policies, procedures, and administrative orders of the composite board which
31 were in effect on December 31, 2001, and which relate to the functions transferred to the
32 department by this chapter. Such rules, regulations, policies, procedures, and
33 administrative orders shall remain in effect until amended, repealed, superseded, or
34 nullified by proper authority or as otherwise provided by law.

35 (c) In reviewing applicants for initial licensure and all currently licensed emergency
36 medical services personnel, the department shall be authorized to obtain conviction data
37 with respect to such applicants and currently licensed emergency medical services
38 personnel as authorized in this subsection. The department shall by rule or regulation
39 establish a procedure by which such persons shall request or cause to be requested a
40 fingerprint based criminal history records check from the center and the Federal Bureau of
41 Investigation for the purposes of determining the suitability of the applicant for licensure
42 or the suitability of currently licensed emergency medical services personnel for license
43 renewal. Fingerprints shall be in such form and of such quality as prescribed by the center
44 and under standards adopted by the Federal Bureau of Investigation. Fees may be charged
45 as necessary to cover the cost of the records search. Upon receipt thereof, the center shall
46 promptly cause such criminal records search to be conducted. The center shall notify the
47 department in writing of any derogatory finding, including, but not limited to, any
48 conviction data regarding the fingerprint records check, or if there is no such finding.

49 (d) Conviction data received by the department shall not be a public record, shall be
50 privileged, and shall not be disclosed to any person. All such records shall be maintained
51 by the department pursuant to laws regarding such records and the rules and regulations of
52 the center and the Federal Bureau of Investigation. Penalties for the unauthorized release
53 or disclosure of conviction data shall be as prescribed by law or rule or regulation of the
54 center or Federal bureau of Investigation.

55 (e) The center, the department, or any law enforcement agency, or the employees of any
56 such entities, shall not be responsible for the accuracy of information provided pursuant to
57 this Code section. Nor shall the same have any liability for defamation, invasion of
58 privacy, negligence, or any other claim relating to or arising from the dissemination of
59 information pursuant to this Code section.

60 (f) Currently licensed emergency medical services personnel shall not be required to pay
61 a fee for more than one criminal history background check as a condition of license
62 renewal. Subsequent criminal history background checks for license renewals shall be
63 conducted in the same manner as prescribed for initial criminal history background checks
64 in this Code section."

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SECTION 3.

66 All laws and parts of laws in conflict with this Act are repealed.