

The House Committee on Public Safety & Homeland Security offers the following substitute to HB 247:

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
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:

8 **SECTION 1.**

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

12 "31-11-49.

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 **SECTION 2.**

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

21 "31-11-51.

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

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31 remain in effect until amended, repealed, superseded, or nullified by proper authority or as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

33 (c) In reviewing applicants for initial licensure of emergency medical services personnel,
34 the department shall be authorized pursuant to this Code section to obtain conviction data
35 with respect to such applicants for the purposes of determining the suitability of the
36 applicant for licensure.

37 (d) The department shall be authorized to obtain conviction data with respect to currently
38 licensed emergency medical services personnel; provided, however, that the authorization
39 under this subsection shall not apply to any person licensed on or after January 1, 2012.
40 Any person licensed on or after January 1, 2012, shall be treated as an applicant and
41 conviction data shall be obtained prior to licensure. The department shall have until July 1,
42 2014, to obtain conviction data information on currently licensed emergency medical
43 services personnel as authorized under this subsection. This subsection shall not apply, and
44 the department shall not be authorized, to obtain conviction data on any currently licensed
45 emergency medical services personnel when the employer of such personnel has submitted
46 an affidavit attesting that the employer employs such personnel for purposes of providing
47 emergency medical services and such employer has previously obtained conviction data
48 for such personnel.

49 (e) The department shall by rule or regulation establish a procedure for requesting a
50 fingerprint based criminal history records check from the center and the Federal Bureau of
51 Investigation. Fingerprints shall be in such form and of such quality as prescribed by the
52 center and under standards adopted by the Federal Bureau of Investigation. Fees may be
53 charged as necessary to cover the cost of the records search. Upon receipt thereof, the
54 center shall promptly cause such criminal records search to be conducted. The center shall
55 notify the department in writing of any finding of disqualifying information, including, but
56 not limited to, any conviction data regarding the fingerprint records check, or if there is no
57 such finding.

58 (f) Conviction data received by the department shall be privileged and shall not be a public
59 record or disclosed to any person. Conviction data shall be maintained by the department
60 pursuant to laws regarding such records and the rules and regulations of the center and the
61 Federal Bureau of Investigation. Penalties for the unauthorized release or disclosure of

62 conviction data shall be as prescribed by law or rule or regulation of the center or Federal
63 Bureau of Investigation.
64 (g) The center, the department, or any law enforcement agency, or the employees of any
65 such entities, shall neither be responsible for the accuracy of information provided pursuant
66 to this Code section nor be liable for defamation, invasion of privacy, negligence, or any
67 other claim relating to or arising from the dissemination of information pursuant to this
68 Code section."

69 **SECTION 3.**

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