

Senate Bill 76

By: Senators Mullis of the 53rd, Rogers of the 21st, Goggans of the 7th, Unterman of the 45th, Stoner of the 6th and others

AS PASSED

A BILL TO BE ENTITLED
AN ACT

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

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

11 "31-11-49.

12 As used in this article, the term:

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

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

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

17 **SECTION 2.**

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

20 "31-11-51.

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

24 (b) The board shall, by regulation, authorize the department to establish procedures and
25 standards for certifying and recertifying the licensing of emergency medical technicians

26 services personnel. The department shall succeed to all rules and regulations, policies,
27 procedures, and administrative orders of the composite board which were in effect on
28 December 31, 2001, and which relate to the functions transferred to the department by this
29 chapter. Such rules, regulations, policies, procedures, and administrative orders shall
30 remain in effect until amended, repealed, superseded, or nullified by proper authority or as
31 otherwise provided by law.

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

36 (d) The department shall by rule or regulation establish a procedure for requesting a
37 fingerprint based criminal history records check from the center and the Federal Bureau of
38 Investigation. Fingerprints shall be in such form and of such quality as prescribed by the
39 center and under standards adopted by the Federal Bureau of Investigation. Fees may be
40 charged as necessary to cover the cost of the records search. Upon receipt thereof, the
41 center shall promptly cause such criminal records search to be conducted. The center shall
42 notify the department in writing of any finding of disqualifying information, including, but
43 not limited to, any conviction data regarding the fingerprint records check, or if there is no
44 such finding.

45 (e) Conviction data received by the department shall be privileged and shall not be a public
46 record or disclosed to any person. Conviction data shall be maintained by the department
47 pursuant to laws regarding such records and the rules and regulations of the center and the
48 Federal Bureau of Investigation. Penalties for the unauthorized release or disclosure of
49 conviction data shall be as prescribed by law or rule or regulation of the center or Federal
50 Bureau of Investigation.

51 (f) The center, the department, or any law enforcement agency, or the employees of any
52 such entities, shall neither be responsible for the accuracy of information provided pursuant
53 to this Code section nor be liable for defamation, invasion of privacy, negligence, or any
54 other claim relating to or arising from the dissemination of information pursuant to this
55 Code section."

56 **SECTION 3.**

57 Said chapter is further amended in Code Section 31-11-102, relating to the duties and
58 responsibilities of the Georgia Trauma Care Network Commission, by revising paragraph (2)
59 as follows:

60 "(2) For the first two fiscal years in which funds are appropriated to the commission for
61 distribution, to distribute such funds in the following areas with the priority for
62 distribution to be set by majority vote of the commission:

63 (A) Physician uncompensated trauma care services provided in designated trauma
64 centers;

65 (B) Emergency medical service uncompensated trauma care services provided to
66 patients transported to designated trauma centers and to trauma patients transported to
67 out-of-state hospitals as approved by the commission;

68 (C) Uncompensated trauma care services of designated trauma centers;

69 (D) Trauma care readiness costs for designated or certified trauma care service
70 providers; and

71 (E) Trauma care service start-up costs for providers seeking a trauma care designation
72 or certification.

73 The commission shall adopt a formula that prioritizes the distribution of state
74 appropriated funds that may be implemented during the third state fiscal year in which
75 funds are appropriated to the commission for distribution. Such formula shall be
76 evaluated and modified, if needed, every two years thereafter;"

77 **SECTION 4.**

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