

CHAPTER 298

HEALTH AND ENVIRONMENT

SENATE BILL 01-174

BY SENATOR(S) Epps, Arnold, Dyer (Arapahoe), Evans, Hillman, Lamborn, May, Musgrave, Nichol, Teck, and Tupa;
also REPRESENTATIVE(S) Hefley, Coleman, Marshall, Tochtrop, and Williams S.

AN ACT

CONCERNING CRIMINAL BACKGROUND CHECKS FOR EMERGENCY MEDICAL TECHNICIANS, AND MAKING
AN APPROPRIATION THEREFOR.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 25-3.5-203 (1), (2), and (4), Colorado Revised Statutes, are amended to read:

25-3.5-203. Emergency medical technicians - certification - renewal of certificate - duties of department - rules adopted by the board - criminal background checks. (1) (a) The duties and functions of emergency medical technicians, including the acts that they are authorized to perform subject to the medical direction of a licensed physician, shall be regulated by rules adopted by the Colorado state board of medical examiners. The council shall advise and make recommendations to said board concerning such rules before final adoption. ~~An emergency medical technician certificate shall be issued by the department and shall be valid for a period of three years after the date of issuance. Such certificate shall be renewable at its expiration upon the certificate holder's satisfactory completion of a refresher course established pursuant to subsection (2) of this section.~~

(b) THE DEPARTMENT SHALL CERTIFY EMERGENCY MEDICAL TECHNICIANS. THE BOARD SHALL ADOPT RULES FOR THE CERTIFICATION OF EMERGENCY MEDICAL TECHNICIANS. SUCH RULES SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:

(I) A STATEMENT THAT A CERTIFICATE IS VALID FOR A PERIOD OF THREE YEARS AFTER THE DATE OF ISSUANCE;

(II) A STATEMENT THAT THE CERTIFICATE SHALL BE RENEWABLE AT ITS

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

EXPIRATION UPON THE CERTIFICATE HOLDER'S SATISFACTORY COMPLETION OF THE TRAINING REQUIREMENTS ESTABLISHED PURSUANT TO SUBSECTION (2) OF THIS SECTION;

(III) PROVISIONS GOVERNING THE USE OF RESULTS OF NATIONAL AND STATE CRIMINAL BACKGROUND CHECKS BY THE DEPARTMENT TO DETERMINE THE ACTION TO TAKE ON A CERTIFICATION APPLICATION PURSUANT TO SUBSECTION (4) OF THIS SECTION;

(IV) DISCIPLINARY SANCTIONS, WHICH SHALL INCLUDE PROVISIONS FOR THE DENIAL, REVOCATION, AND SUSPENSION OF CERTIFICATES AND THE SUSPENSION AND PROBATION OF CERTIFICATE HOLDERS; AND

(V) AN APPEALS PROCESS PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S., THAT IS APPLICABLE TO DEPARTMENT DECISIONS IN CONNECTION WITH CERTIFICATIONS AND SANCTIONS.

(2) The council shall ~~establish a refresher course program~~ ADVISE THE DEPARTMENT AND THE BOARD IN ESTABLISHING THE TRAINING REQUIREMENTS FOR CERTIFICATE RENEWAL. Such ~~refresher course program~~ TRAINING REQUIREMENTS shall consist of not more than fifty classroom hours and not less than thirty-six classroom hours. ~~and shall include instruction in new techniques and developments in the emergency medical technician profession and shall provide for examinations over the course material and over the practical application of emergency medical techniques.~~

(4) (a) The department may, with reasonable cause, acquire a NAME OR FINGERPRINT-BASED criminal history record from the Colorado bureau of investigation for the purpose of investigating the holder of or applicant for an emergency medical technician certificate.

(b) ANY GOVERNMENT ENTITY THAT EMPLOYS A PERSON AS OR ALLOWS A PERSON TO VOLUNTEER AS AN EMERGENCY MEDICAL TECHNICIAN IN A POSITION THAT WOULD REQUIRE DIRECT CONTACT WITH ANY PATIENT SHALL REQUIRE ALL VOLUNTEER AND EMPLOYED EMERGENCY MEDICAL TECHNICIANS, WHO HAVE LIVED IN THE STATE FOR THREE YEARS OR LESS AT THE TIME OF THE INITIAL CERTIFICATION OR CERTIFICATION RENEWAL, TO SUBMIT TO A FEDERAL BUREAU OF INVESTIGATION FINGERPRINT-BASED BACKGROUND CHECK FOR THE PURPOSE OF DETERMINING ELIGIBILITY FOR EMPLOYMENT. EACH EMERGENCY MEDICAL TECHNICIAN REQUIRED TO SUBMIT TO A FEDERAL BUREAU OF INVESTIGATION FINGERPRINT-BASED BACKGROUND CHECK SHALL OBTAIN A COMPLETE SET OF FINGERPRINTS TAKEN BY A LOCAL LAW ENFORCEMENT AGENCY OR ANOTHER ENTITY DESIGNATED BY THE DEPARTMENT. THE LOCAL LAW ENFORCEMENT AGENCY OR OTHER SUCH DESIGNATED ENTITY THAT TOOK THE FINGERPRINTS SHALL TRANSMIT THEM TO THE COLORADO BUREAU OF INVESTIGATION, WHICH SHALL IN TURN FORWARD THEM TO THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORD CHECK. THE DEPARTMENT OR OTHER AUTHORIZED GOVERNMENT ENTITY SHALL BE THE AUTHORIZED AGENCY TO RECEIVE AND DISSEMINATE INFORMATION REGARDING THE RESULT OF ANY NATIONAL CRIMINAL HISTORY RECORD CHECK. ANY SUCH NATIONAL CHECK SHALL BE HANDLED IN ACCORDANCE WITH P.L. 92-544, AS AMENDED. EACH GOVERNMENT ENTITY ACTING AS THE AUTHORIZED RECIPIENT OF THE RESULT OF ANY

NATIONAL CRIMINAL HISTORY CHECK SHALL FORWARD THE RESULT OF ANY SUCH INITIAL BACKGROUND CHECK AND ANY SUBSEQUENT NOTIFICATION OF ACTIVITY ON THE RECORD, TO THE DEPARTMENT FOR THE PURPOSE OF DETERMINING THE INDIVIDUAL'S ELIGIBILITY FOR INITIAL CERTIFICATION OR CERTIFICATION RENEWAL.

(c) ANY GOVERNMENT ENTITY OR ANY PRIVATE, NOT-FOR-PROFIT, OR FOR-PROFIT ORGANIZATION THAT EMPLOYS A PERSON OR ALLOWS A PERSON TO VOLUNTEER AS AN EMERGENCY MEDICAL TECHNICIAN IN A POSITION THAT WOULD REQUIRE DIRECT CONTACT WITH ANY PATIENT, AND IF SUCH PERSON HAS LIVED IN THE STATE FOR MORE THAN THREE YEARS AT THE TIME OF INITIAL CERTIFICATION OR CERTIFICATION RENEWAL, SHALL REQUIRE ALL VOLUNTEER AND EMPLOYED EMERGENCY MEDICAL TECHNICIANS TO SUBMIT TO A NAME OR FINGERPRINT-BASED CRIMINAL HISTORY BACKGROUND CHECK BY THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF DETERMINING ELIGIBILITY FOR EMPLOYMENT. THE ORGANIZATION SHALL FORWARD THE RESULT OF ANY SUCH BACKGROUND CHECK AND ANY SUBSEQUENT NOTIFICATION OF ACTIVITY ON THE RECORD TO THE DEPARTMENT FOR THE PURPOSE OF DETERMINING ELIGIBILITY FOR INITIAL CERTIFICATION OR CERTIFICATION RENEWAL.

(d) IF AN APPLICANT FOR INITIAL CERTIFICATION OR CERTIFICATION RENEWAL IS NOT EMPLOYED AT THE TIME OF APPLICATION, THE DEPARTMENT SHALL REQUIRE SUCH APPLICANT TO SUBMIT TO A NAME OR FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK BY THE COLORADO BUREAU OF INVESTIGATION AS DEFINED IN RULE BY THE BOARD OF HEALTH, IF THE APPLICANT HAS LIVED IN THE STATE FOR MORE THAN THREE YEARS.

(e) IF THE APPLICANT IS NOT EMPLOYED OR IS EMPLOYED BY A NON-GOVERNMENTAL ENTITY AT THE TIME OF APPLICATION AND HAS LIVED IN THE STATE FOR THREE YEARS OR LESS, THE DEPARTMENT SHALL REQUIRE THE APPLICANT TO SUBMIT TO A FEDERAL BUREAU OF INVESTIGATION FINGERPRINT-BASED NATIONAL CRIMINAL HISTORY BACKGROUND CHECK. THE DEPARTMENT SHALL BE THE AUTHORIZED AGENCY TO RECEIVE AND DISSEMINATE INFORMATION REGARDING THE RESULT OF ANY NATIONAL CRIMINAL HISTORY RECORD CHECK. ANY SUCH NATIONAL CHECK SHALL BE HANDLED IN ACCORDANCE WITH P.L. 92-544, AS AMENDED.

SECTION 2. Appropriation. In addition to any other appropriation, there is hereby appropriated, to the department of public safety, for allocation to the Colorado bureau of investigation, for the fiscal year beginning July 1, 2001, the sum of seventy-three thousand six hundred and three dollars (\$73,603) and 0.3 FTE, or so much thereof as may be necessary, for the implementation of this act. Of said sum, twenty-nine thousand six hundred and three dollars (\$29,603) shall be from cash funds, from fees collected for services and forty-four thousand dollars (\$44,000) shall be from cash funds exempt, from fees collected on behalf of the federal bureau of investigation.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 5, 2001