STATE OF NEW YORK

9844

IN SENATE

April 7, 2026

Introduced by Sen. SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to requiring all certified first responders, emergency medical technicians, and advanced emergency medical technicians to undergo criminal background checks

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 3002 of the public health law is amended by adding a new subdivision 2-c to read as follows:

2-c. (a) For the purposes of this section, the term:

(i) "criminal background check" shall mean conducting:

(A) a criminal history record check with the division of criminal justice services;

(B) a search of the criminal history repository in each state other than New York where such person resides or resided during the preceding five years, if applicable, unless such state's criminal history record information is provided as part of the results of the clearance conducted pursuant to clause (C) of this subparagraph;

(C) a national criminal history record check with the federal bureau of investigation; provided the division of criminal justice services is directed to submit fingerprints to the federal bureau of investigation for the purpose of a nationwide criminal history record check, pursuant to and consistent with applicable federal law, including Public Law 92-544 (codified at 34 U.S.C. § 41101);

(D) a search of the New York state sex offender registry;

(E) a search of any state sex offender registry or repository in each state other than New York where such person resides or resided during the preceding five years, if applicable, unless such state's sex offender registry information is provided as part of the clearance conducted pursuant to clause (F) of this subparagraph;

(F) a search of the national sex offender registry using the national crime information center, established under the Adam Walsh Child Protection and Safety Act of 2006 (34 U.S.C. § 20901 et seq.).

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD14924-01-6

(ii) "emergency medical services clinician" shall mean a first responder, emergency medical technician, or advanced emergency medical technician certified under this article.

(b) The commissioner, in consultation with the state emergency medical services council and the division of criminal justice services, shall require all emergency medical services clinicians to undergo criminal background checks by the division of criminal justice services. Such checks shall be conducted for:

(i) every applicant for initial certification as a first responder, emergency medical technician, or advanced emergency medical technician;

(ii) every applicant for renewal of such certification, at intervals established by regulation, but not less frequently than once every five years, unless ongoing criminal history results are provided;

(iii) every individual seeking reinstatement of a lapsed or expired certification as a first responder, emergency medical technician, or advanced emergency medical technician, where such lapse exceeds a period established by regulation; and

(iv) every individual applying for authorization to practice as an emergency medical services clinician pursuant to any interstate licensure compact to which New York state is a party.

(c) Notwithstanding any other provision of law to the contrary, an individual shall be deemed ineligible for certification, renewal, reinstatement, or authorization to practice or hold themselves out as an emergency medical services clinician in New York state or exercise any privilege to practice under an interstate licensure compact applicable to emergency medical services if such individual:

(i) refuses to consent to the required criminal background check;

(ii) knowingly makes a materially false statement in connection with such check;

(iii) is registered, or is required to be registered, on a state or national sex offender registry; or

(iv) has been convicted of a felony offense, or other crime specified by regulation, that the department determines bears a direct relationship to the duties and responsibilities of an emergency medical services clinician or poses an unreasonable risk to patient safety, consistent with article twenty-three-A of the correction law.

(d) Where a criminal background check conducted pursuant to this subdivision reveals that an applicant or currently certified emergency medical services clinician has been convicted of a crime other than one specified in subparagraph (iv) of paragraph (c) of this subdivision, and unless such crime is eligible for sealing or expungement pursuant to article one hundred sixty of the criminal procedure law, the state council shall conduct a safety and fitness assessment and may deny, limit, suspend, revoke, or condition such certification, licensure, or authorization, consistent with article twenty-three-A of the correction law.

(e) Where a criminal background check reveals that an applicant or currently certified emergency medical services clinician has been charged with a crime, the state council may hold an application in abeyance, or impose interim limitations on practice, pending final resolution of such charge, where necessary to protect public health and safety.

(f) Prior to making a determination to deny, suspend, revoke, or limit certification pursuant to this subdivision, the state council shall afford the individual an opportunity to submit a written explanation and any mitigating information relevant to the determination.

(g) The state council, upon receipt of a criminal background check from the division of criminal justice services, may request and shall be entitled to receive information pertaining to any conviction or pending criminal charge from any state or local law enforcement agency, district attorney, probation department, parole authority, or court, for the purpose of determining fitness for certification or continued practice.

(h) The state council shall pay or collect, as determined by regulation, any required processing fee for a criminal background check and national fingerprint-based clearance and shall promptly submit fingerprints and fees to the division of criminal justice services.

(i) Any criminal background check or summary thereof obtained pursuant to this subdivision shall be confidential and shall not be available for public inspection, except as necessary for administrative or judicial proceedings relating to certification, licensure or discipline. The subject of such check shall be entitled, upon written request, to receive a copy of the summary of the criminal background check and information regarding the right to seek correction of inaccurate records.

(j) The state council, department, and division of criminal justice services shall establish procedures to ensure compliance with all applicable state and federal requirements governing the use, dissemination, retention, and destruction of criminal background check information, including ongoing or retained fingerprint processing where authorized by law.

(k) Nothing in this subdivision shall be construed to limit the authority of the state council, department, or any other entity to take disciplinary action pursuant to any other provision of law governing emergency medical services certification, licensure, or professional conduct.

§ 2. This act shall take effect one year after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.