

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:

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

3 2-c. (a) For the purposes of this section, the term:

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

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

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

12 (C) a national criminal history record check with the federal bureau
13 of investigation; provided the division of criminal justice services is
14 directed to submit fingerprints to the federal bureau of investigation
15 for the purpose of a nationwide criminal history record check, pursuant
16 to and consistent with applicable federal law, including Public Law
17 92-544 (codified at 34 U.S.C. § 41101);

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

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

24 (F) a search of the national sex offender registry using the national
25 crime information center, established under the Adam Walsh Child
26 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

1 (ii) "emergency medical services clinician" shall mean a first respon-
2 der, emergency medical technician, or advanced emergency medical techni-
3 cian certified under this article.

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

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

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

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

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

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

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

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

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

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

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

46 (e) Where a criminal background check reveals that an applicant or
47 currently certified emergency medical services clinician has been
48 charged with a crime, the state council may hold an application in abey-
49 ance, or impose interim limitations on practice, pending final resol-
50 ution of such charge, where necessary to protect public health and safe-
51 ty.

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

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

7 (h) The state council shall pay or collect, as determined by regu-
8 lation, any required processing fee for a criminal background check and
9 national fingerprint-based clearance and shall promptly submit finger-
10 prints and fees to the division of criminal justice services.

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

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

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

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