

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 689 of the Regular Session

As Engrossed: S1/27/09 S2/3/09 S2/11/09

A Bill

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009

SENATE BILL 143

4
5 By: Senator Broadway
6
7

For An Act To Be Entitled

8
9 AN ACT TO PROVIDE FOR THE LICENSURE OF EMERGENCY
10 MEDICAL SERVICES PERSONNEL; AND FOR OTHER
11 PURPOSES.
12

Subtitle

13
14 AN ACT TO PROVIDE FOR THE LICENSURE OF
15 EMERGENCY MEDICAL SERVICES PERSONNEL.
16
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. Arkansas Code § 5-13-202 is amended to read as follows:
21 5-13-202. Battery in the second degree.

22 (a) A person commits battery in the second degree if:

23 (1) With the purpose of causing physical injury to another
24 person, the person causes serious physical injury to any person;

25 (2) With the purpose of causing physical injury to another
26 person, the person causes physical injury to any person by means of a deadly
27 weapon other than a firearm;

28 (3) The person recklessly causes serious physical injury to
29 another person by means of a deadly weapon; or

30 (4) The person knowingly, without legal justification, causes
31 physical injury to a person he or she knows to be:

32 (A)(i) A law enforcement officer, firefighter, or employee
33 of a correctional facility while the law enforcement officer, firefighter, or
34 employee of a correctional facility is acting in the line of duty.

35 (ii) As used in this subdivision (a)(4)(A),



1 “employee of a correctional facility” includes a person working under a
2 professional services contract with the Department of Correction, the
3 Department of Community Correction, or the Division of Youth Services of the
4 Department of Human Services;

5 (B) A teacher or other school employee while acting in the
6 course of employment;

7 (C) An individual sixty (60) years of age or older or
8 twelve (12) years of age or younger;

9 (D) An officer or employee of the state while the officer
10 or employee of the state is acting in the performance of his or her lawful
11 duty;

12 (E) While performing medical treatment or emergency
13 medical services or while in the course of other employment relating to his
14 or her medical training:

15 (i) A physician;

16 (ii) A person ~~certified~~ licensed as ~~an emergency~~
17 ~~medical technician~~ emergency medical services personnel, as defined in § 20-
18 13-202;

19 (iii) A licensed or certified health care
20 professional; or

21 (iv) Any other health care provider; or

22 (F) An individual who is incompetent, as defined in § 5-
23 25-101.

24 (b) Battery in the second degree is a Class D felony.

25
26 SECTION 2. Arkansas Code § 5-60-123(a), concerning obstruction or
27 interference with emergency medical personnel, is amended to read as follows:

28 (a) It is unlawful for a person to obstruct or interfere with ~~an~~
29 emergency medical ~~technician~~ services personnel, rescue technician, or any
30 other emergency medical care provider, whether governmental, private, or
31 volunteer emergency medical personnel, in the performance of his or her
32 rescue mission.

33
34 SECTION 3. Arkansas Code § 14-266-103 is amended to read as follows:
35 14-266-103. Definitions.

36 As used in this chapter, ~~unless the context otherwise requires:~~

1 (1) "Emergency medical services" means the transportation and
 2 emergency medical ~~technician services personnel~~ care provided the critically
 3 ill or injured ~~prior to~~ before arrival at a medical facility by a ~~certified~~
 4 ~~emergency medical technician (EMT) licensed emergency medical services~~
 5 personnel and within a medical facility subject to the individual approval of
 6 the medical staff and governing board of that facility.

7 (2)(A) "Nonemergency ambulance services" means the transport in
 8 a motor vehicle to or from medical facilities ~~including, but not limited to,~~
 9 including without limitation hospitals, nursing homes, physicians' offices,
 10 and other health care facilities of persons who are infirm or injured and who
 11 are transported in a reclining position;

12 (B) ~~however~~ However, "nonemergency ambulance services"
 13 does not include not-for-hire on a fee-for-service basis transportation
 14 furnished by licensed hospitals and licensed nursing homes to their own
 15 admitted patients or residents and individual not-for-hire transportation
 16 ~~shall be excluded.~~

17
 18 SECTION 4. Arkansas Code § 14-266-105(a), concerning the grant of
 19 authority to cities of the first class and second class for ambulance
 20 services, is amended to read as follows:

21 (a) Cities of the first class and second class are authorized:

22 (1)(A) To enact and establish standards, rules, and regulations
 23 ~~which~~ that are equal to or greater than those established by the state
 24 concerning emergency medical services, as defined in this chapter, and
 25 emergency medical ~~technicians services personnel~~, emergency and nonemergency
 26 ambulances, and ambulance companies, as defined under §§ 20-13-201 – 20-13-
 27 209 and 20-13-211~~+~~.

28 (B) ~~however~~ However, the standards, rules, and regulations
 29 shall not be less than those established by this state;

30 (2) To establish, own, operate, regulate, control, manage,
 31 permit, franchise, license, and contract with, exclusively or otherwise,
 32 emergency medical services, ambulances, ambulance companies, and their
 33 relative properties, facilities, equipment, personnel, and any ~~and all~~
 34 aspects attendant to emergency medical services and ambulance operations,
 35 whether municipally owned or otherwise, ~~including, but not limited to,~~
 36 without limitation: rates, fees, charges, or other assessments as the cities

1 ~~consider proper to provide for the health, safety, and welfare of their~~
2 ~~citizens;~~

3 (A) Rates;

4 (B) Fees;

5 (C) Charges; and

6 (D) Other assessments the cities consider proper to
7 provide for the health, safety, and welfare of their citizens;

8 (3) To establish an Emergency Medical Health Care Facilities
9 Board, hereinafter called "Emergency Medical Services Board" or "EMS Board",
10 under §§ 14-137-101 – 14-137-123, and to exercise all the powers conferred in
11 this chapter and the power conferred under §§ 14-137-101 – 14-137-123, either
12 alone or in conjunction with the EMS Board;

13 (4) To provide emergency medical services to its residents and
14 to the residents of the county, surrounding counties, and municipalities
15 within those counties, but only if the governing bodies of the counties and
16 municipalities request and authorize the service under §§ 14-14-101, 14-14-
17 103 – 14-14-110, or §§ 25-20-101 – 25-20-108;

18 (5)(A) To regulate all intracity patient transports and
19 intercity and intracounty patient transports originating from within the
20 regulating city.

21 (B) However, this chapter ~~shall~~ does not restrict or allow
22 local regulation of not-for-hire on a fee-for-service basis transportation,
23 any intercounty patient transports, or intercity patient transports to or
24 from medical facilities within the regulating city originating from anywhere
25 outside the regulating city.

26
27 SECTION 5. Arkansas Code § 20-13-102 is amended to read as follows:

28 20-13-102. Use of special terms or abbreviations without certificate
29 unlawful.

30 (a) It ~~shall be~~ is unlawful for any person to practice or profess to
31 be ~~an~~ emergency medical ~~technician~~ services personnel or to use the initials
32 "~~EMT~~", "~~EMT A~~", "~~EMT P~~", "~~EMT I~~", "~~EMT Instructor~~" Advanced EMT, Paramedic,
33 EMS-Instructor, EMS Instructor Trainer, or any other letters, words,
34 abbreviations, or insignia indicating that he or she is ~~an~~ emergency medical
35 ~~technician~~ services personnel without first having obtained from the ~~Division~~
36 ~~of Health of the Department of Health and Human Services~~ Department of Health

1 a ~~certificate~~ license authorizing the person to practice emergency medical
2 services in this state.

3 (b) However, ~~nothing in this section shall be deemed to~~ this section
4 does not prohibit any person licensed under any other act in this state from
5 engaging in the practice for which he or she is licensed nor to prevent
6 students who are enrolled in accredited EMT, ~~EMT-I, or EMT-P~~ Advanced EMT,
7 Paramedic, EMS-Instructor, or EMS Instructor Trainer education programs from
8 performing acts of emergency medical services incidental to their courses of
9 study.

10

11 SECTION 6. Arkansas Code § 20-13-103(c), concerning use of grant funds
12 from the Emergency Medical Services Enhancement Revolving Fund, is amended to
13 read as follows:

14 (c) The grant funds may be used to purchase or fund:

15 (1)(A) Ambulances for use in providing emergency medical
16 services to the residents of Arkansas.

17 (B) ~~Any ambulances~~ Ambulances purchased with these funds
18 shall meet the standards for and be registered at the I-A level, or a higher
19 level, by the division;

20 (2)(A) Rescue vehicles for use in providing advanced life
21 support or basic life support emergency care.

22 (B) Any vehicle purchased for advanced life support shall
23 meet the standards and be registered at the advanced rescue level by the
24 division;

25 (3) Equipment required on ambulances or required to provide
26 advanced life support or basic life support rescue services;

27 (4)(A) Training that leads to Arkansas ~~certification~~ licensure
28 as ~~an~~ emergency medical ~~technician~~ services personnel at the basic or
29 advanced levels.

30 (B) Failure to obtain ~~certification~~ licensure shall result
31 in the repayment of funds by the grantee; or

32 (5) Emergency medical services-related training approved by the
33 division.

34

35 SECTION 7. Arkansas Code § 20-13-202 is amended to read as follows:

36 20-13-202. Definitions.

1 As used in this subchapter:

2 (1) "Air ambulance" means an aircraft, fixed or rotary wing,
3 utilized for on-scene responses or transports deemed necessary by a physician
4 and licensed by the ~~Division of Health of the Department of Health and Human~~
5 ~~Services~~ Department of Health;

6 (2) "Air ambulance services" means those services authorized and
7 licensed by the division to provide care and air transportation of patients;

8 (3) "Ambulance" means a vehicle used for transporting any person
9 by stretcher or gurney upon the streets or highways of Arkansas, excluding
10 vehicles intended solely for personal use by immediate family members;

11 (4) "Ambulance services" means those services authorized and
12 licensed by the division to provide care and transportation of patients upon
13 the streets and highways of Arkansas;

14 (5) "Board" means the State Board of Health;

15 ~~(6) "Certification" means official acknowledgment by the~~
16 ~~division that an individual has demonstrated competence to perform the~~
17 ~~emergency medical services required for certification, as provided in the~~
18 ~~rules, regulations, and standards adopted by the board upon recommendation by~~
19 ~~the Emergency Medical Services Advisory Council;~~

20 (7)~~(6)~~ "Council" means the Emergency Medical Services Advisory
21 Council;

22 ~~(8) "Division" means the Division of Health of the Department of~~
23 ~~Health and Human Services;~~

24 ~~(9)~~(7) "Emergency medical services" means:

25 (A) The transportation and medical care provided the ill
26 or injured ~~prior to~~ before arrival at a medical facility by a ~~certified~~
27 ~~emergency medical technician~~ licensed emergency medical services personnel or
28 other health care provider; and

29 (B) Continuation of the initial emergency care within a
30 medical facility subject to the approval of the medical staff and governing
31 board of that facility;

32 ~~(10)~~(8)(A) "Emergency medical ~~technician~~ services personnel"
33 means an individual ~~certified~~ licensed by the ~~division~~ department at any
34 level established by the rules ~~and regulations promulgated~~ adopted by the
35 board, ~~as authorized in~~ under this subchapter, and authorized to perform
36 those services set forth ~~therein~~ in the rules.

1 (B) These shall include, ~~but not be limited to~~ without
 2 limitation: "EMT", "EMT A", "EMT Instructor", "EMT Paramedic", and "EMS-
 3 "Communications" Advanced EMT, Paramedic, Emergency Medical Services
 4 Instructor, or Emergency Medical Services Instructor Trainer;

5 (9) "Licensure" means official acknowledgment by the Department
 6 of Health that an individual has demonstrated competence to perform the
 7 emergency medical services required for licensure under the rules,
 8 regulations, and standards adopted by the board upon recommendation by the
 9 Emergency Medical Services Advisory Council; and

10 ~~(11)~~(10) "Medical facility" means any hospital, medical clinic,
 11 physician's office, nursing home, or other health care facility.

12
 13 SECTION 8. Arkansas Code § 20-13-205(a), concerning creation of the
 14 Emergency Medical Services Advisory Council, is amended to read as follows:

15 (a) There is created the Emergency Medical Services Advisory Council,
 16 which shall consist of nineteen (19) members with a demonstrated interest in
 17 emergency medical services, to be appointed by the Governor as follows:

18 (1) Four (4) members shall be licensed medical doctors of good
 19 professional standing. One (1) member shall be appointed representing each of
 20 the following areas:

21 (A) The Arkansas Chapter of the American College of
 22 Emergency Physicians;

23 (B) The Arkansas Academy of Family Physicians;

24 (C) The Arkansas Medical Society; and

25 (D) The medical director for a licensed ~~paramedic~~
 26 Paramedic ambulance service;

27 (2) One (1) member recommended by the Arkansas Hospital
 28 Association;

29 (3) One (1) member who shall be a member of the Arkansas
 30 Emergency Department Nurses Association;

31 (4) One (1) member who shall be a member of, and recommended by,
 32 the Arkansas Ambulance Owners and Operators' Association;

33 (5) One (1) member who shall be a ~~certified~~ licensed ~~EMT-~~
 34 Paramedic;

35 (6) One (1) member who shall be a ~~certified~~ licensed ~~EMT-~~
 36 Ambulance driver;

1 (7) One (1) member representing fire department-based ambulance
2 services;

3 (8) One (1) member representing emergency medical ~~technician~~
4 services personnel training sites who ~~shall have~~ has had at least five (5)
5 *years' experience associated with ~~emergency medical technician training~~*
6 emergency medical services personnel in this state;

7 (9) One (1) member who shall be a consumer representative who
8 has an interest in public health and emergency medical services. The member
9 shall be appointed by the Governor from the state at large;

10 (10) One (1) member who shall be sixty-five (65) years of age or
11 more. This member shall be appointed by the Governor from the state at large
12 and shall not belong to any other group specifically addressed in this
13 section, with the exception of the consumer representative;

14 (11) One (1) member who shall represent city-based or county-
15 based ambulance services;

16 (12) One (1) member who shall represent the Arkansas Association
17 of Chiefs of Police or the Arkansas Sheriffs' Association;

18 (13) One (1) member representing fire service rescue operations
19 which do not transport patients;

20 (14) One (1) member licensed as an attorney at law in good
21 professional standing within this state and having a knowledge of medical and
22 legal issues;

23 (15) One (1) member appointed from a list of two (2) nominees
24 submitted by the Arkansas Emergency Medical Technician's Association; and

25 (16) One (1) member who shall be a certified military emergency
26 medical technician.

27
28 SECTION 9. Arkansas Code § 20-13-207(a), concerting the powers and
29 duties of Emergency Medical Services Advisory Council, is amended to read as
30 follows:

31 (a) The Emergency Medical Services Advisory Council shall recommend
32 *for adoption by the board rules, regulations, and standards on all matters*
33 *relating to emergency medical services including, but not limited to* without
34 limitation:

35 (1) Standards for ~~certification~~ licensure of ambulance and
36 advanced life support rescue personnel;

1 (2) Standards for equipment required on ambulance and advanced
2 life support rescue vehicles;

3 (3) Standards for vehicles used in patient transportation and
4 advanced life support rescue response, including communications requirements;

5 (4) A statewide communications system for emergency medical
6 services;

7 (5) Operational standards for providers of ambulance and
8 advanced life support rescue services, including reporting requirements and
9 standards for air ambulance and air ambulance services; and

10 (6) Procedures for summoning and dispatching aid.

11
12 SECTION 10. Arkansas Code § 20-13-208 is amended to read as follows:
13 20-13-208. State Board of Health – Powers and duties.

14 *(a)(1) The State Board of Health shall have the responsibility and*
15 *authority to hold public hearings and promulgate and implement rules,*
16 *regulations, and standards which it deems necessary to carry out the*
17 *provisions of this subchapter.*

18 *(2) However, ~~prior to~~ before implementing any rules,*
19 *regulations, or standards, the board shall submit and obtain the review of*
20 *the House ~~Interim~~ Committee on Public Health, Welfare, and Labor and the*
21 *Senate ~~Interim~~ Committee on Public Health, Welfare, and Labor or appropriate*
22 *subcommittees thereof.*

23 *(b) In addition, the board may establish appropriate rules,*
24 *regulations, and standards defining or limiting the emergency medical*
25 *procedures or services that may be rendered by a ~~certified~~ licensed emergency*
26 *medical ~~technician~~ services personnel who is authorized to legally perform*
27 *these services under the conditions set forth by the board, except that ~~prior~~*
28 *~~to~~ before implementing any rules, regulations, and standards, the board shall*
29 *submit and obtain the review of the House ~~Interim~~ Committee on Public Health,*
30 *Welfare, and Labor and the Senate ~~Interim~~ Committee on Public Health,*
31 *Welfare, and Labor or appropriate subcommittees thereof.*

32
33 SECTION 11. Arkansas Code § 20-13-211 is amended to read as follows:
34 20-13-211. Fees.

35 The State Board of Health may establish the fees to be charged by the
36 ~~Division of Health of the Department of Health and Human Services which are~~

1 ~~deemed necessary~~ Department of Health to defray the cost of administering and
2 enforcing this subchapter, as follows:

3 (1) The testing fee not to exceed the cost of administering the
4 National Registry of Emergency Medical Technicians examination;

5 (2)(A) The ~~certification~~ licensure fee for emergency medical
6 ~~technicians~~ services personnel, which shall not exceed twenty dollars
7 (\$20.00).

8 (B) Ten dollars (\$10.00) of the ~~certification~~ licensure
9 fee shall be credited to the Emergency Medical Services Revolving Fund.

10 (C) The ~~certification~~ licensure shall be valid for two (2)
11 years;

12 (3) The biennial renewal of the emergency medical ~~technician~~
13 ~~certification~~ services personnel licensure, which shall not exceed twenty
14 dollars (\$20.00). Ten dollars (\$10.00) of the biennial renewal shall be
15 credited to the Emergency Medical Services Revolving Fund;

16 (4) The issuance and annual renewal of an operational permit for
17 each ambulance service, which shall not exceed fifty dollars (\$50.00);

18 (5) The annual inspection and permitting of emergency vehicles,
19 which shall not exceed five dollars (\$5.00) per vehicle; and

20 (6) The issuance and renewal of an operational license for each
21 air ambulance service, which shall not exceed one hundred dollars (\$100).

22
23 SECTION 12. Arkansas Code § 20-13-214 is amended to read as follows:

24 20-13-214. Military emergency medical personnel.

25 (a) Military personnel who return to the State of Arkansas following
26 active duty and who received emergency medical training on active duty shall
27 be granted initial ~~certification and~~ licensure from the ~~Division of Health of~~
28 ~~the Department of Health and Human Services~~ Department of Health as emergency
29 medical ~~technicians~~ services personnel under this subchapter, upon proof from
30 the military that the individual received emergency medical training while on
31 active duty.

32 (b) Military personnel licensed under this section shall ~~be required~~
33 ~~to~~ pay the fees for biennial renewal of the emergency medical ~~technician~~
34 ~~certification~~ services personnel license required under this subchapter.

35
36 SECTION 13. Arkansas Code § 20-13-1101 is amended to read as follows:

1 20-13-1101. Definitions.

2 As used in this subchapter:

3 (1) "Applicant" means any individual seeking Arkansas emergency
4 ~~medical technician certification or recertification~~ services personnel
5 licensure or relicensure;

6 (2) "Bureau" means the Identification Bureau of the Department
7 of Arkansas State Police;

8 (3) "Care" means treatment, services, assistance, education,
9 training, instruction, or supervision in the prehospital emergency medical
10 systems environment;

11 ~~(4) "Certification" means the official acknowledgment by the~~
12 ~~Division of Health of the Department of Health and Human Services that an~~
13 ~~individual has demonstrated competence to perform the emergency medical~~
14 ~~services required for certification as provided by the Arkansas EMS Rules and~~
15 ~~Regulations;~~

16 ~~(5) "Certifying agency" means the government agency charged with~~
17 ~~certifying the qualified individual to provide prehospital care;~~

18 ~~(6) "Division" means the Division of Health of the Department of~~
19 ~~Health and Human Services;~~

20 ~~(7)~~(4) "Division of EMS and Trauma Systems" means the
21 organization within the ~~Division of Health of the Department of Health and~~
22 ~~Human Services~~ Department of Health responsible for the enforcement of
23 emergency medical services legislation within the State of Arkansas;

24 ~~(8)~~(5) "Emergency medical services system" means the
25 transportation and medical care provided to the ill or injured prior to
26 arrival at a medical facility by a ~~certified~~ licensed emergency medical
27 ~~technician~~ services personnel or other health care provider and the
28 continuation of the initial emergency care within a medical facility subject
29 to the approval of the medical staff and governing board of that facility;

30 ~~(9)~~(6) "~~Emergency medical technician (EMT) services personnel~~"
31 ~~means the individual who has been certified~~ licensed as an EMT, ~~EMT-~~
32 ~~ambulance, EMT intermediate or EMT-paramedic~~ Advanced EMT, or Paramedic and
33 ~~who may perform those services equivalent to level of certification~~
34 licensure;

35 ~~(10)~~(7) "Index" means the database maintained by the bureau of
36 ~~certification and recertification~~ emergency medical services personnel

1 licensure and relicensure;

2 (8) "Licensure" means the official acknowledgment by the
 3 Department of Health that an individual has demonstrated competence to
 4 perform the emergency medical services required for licensure under the
 5 rules, regulations, and standards adopted by the board upon recommendation by
 6 the Emergency Medical Services Advisory Council;

7 (9) "Licensing agency" means the government agency charged with
 8 licensing the qualified individual to provide prehospital care;

9 ~~(11)~~(10) "National criminal history check" means a review of
 10 national criminal records maintained by the Federal Bureau of Investigation
 11 based on fingerprint identification or other positive identification methods;

12 (12)(11) ~~"Recertification"~~ "Relicensure" means the official
 13 acknowledgment by the division that an individual has demonstrated competence
 14 to perform the emergency medical services required for ~~recertification~~
 15 relicensure as ~~provided by~~ under Arkansas EMS Rules and Regulations;

16 ~~(13)~~(12) "Report" means a statement of the criminal history of
 17 an applicant issued by the bureau; and

18 ~~(14)~~(13) "State criminal history check" means a review of state
 19 criminal records conducted by the bureau using the Arkansas Crime Information
 20 Center.

21
 22 SECTION 14. Arkansas Code § 20-13-1102(a), concerning mandatory
 23 criminal records checks for emergency medical technicians, is amended to read
 24 as follows:

25 (a)(1) Any applicant applying for initial ~~certification~~ licensure
 26 shall complete a criminal history check form and shall request the
 27 Identification Bureau of the Department of Arkansas State Police to conduct a
 28 state or national criminal history check, or both, on the applicant.

29 (2) The applicant shall pay all appropriate fees for the state
 30 or national criminal history check, or both, as set forth by the bureau.

31 (3) The applicant shall attach the criminal history check form
 32 to the Arkansas ~~EMT certification~~ emergency medical services personnel
 33 licensure application.

34 (4) Division of EMS and Trauma Systems of the ~~Division of Health~~
 35 ~~of the Department of Health and Human Services~~ Department of Health shall
 36 forward the history check form and the appropriate fees to the bureau.

1
2 SECTION 15. Arkansas Code § 20-13-1103(a), concerning applications for
3 *emergency medical services personnel* certification, is amended to read as
4 follows:

5 (a)(1) Any applicant applying for ~~recertification~~ licensure who holds
6 *a current Arkansas ~~EMT certification~~ emergency medical services personnel*
7 *licensure before July 1, 1999, shall complete a* criminal history check form
8 no later than his or her current expiration date or July 1, 2001, whichever
9 comes first, and shall request the Identification Bureau of the Department of
10 Arkansas State Police to conduct a state or national criminal history check,
11 or both, on the applicant.

12 (2) The applicant shall pay all appropriate fees for the state
13 or national criminal history check, or both, as set forth by the bureau.

14 (3) The applicant shall attach the criminal history check form
15 to the Arkansas ~~EMT certification~~ emergency medical services personnel
16 licensure application.

17 (4) The Division of EMS and Trauma Systems of the ~~Division of~~
18 ~~Health of the Department of Health and Human Services~~ Department of Health
19 shall forward the criminal history check form and the appropriate fees to the
20 bureau.

21
22 SECTION 16. Arkansas Code § 20-13-1104 is amended to read as follows:

23 20-13-1104. Form – State and national records check.

24 (a) A request for a state or national criminal history records check,
25 or both, on a person shall include a completed form provided by the Division
26 of EMS and Trauma Systems of the ~~Division of Health of the Department of~~
27 ~~Health and Human Services~~ Department of Health and as required by the
28 Identification Bureau of the Department of Arkansas State Police.

29 (b) Applicants for initial ~~certification or recertification~~ licensure
30 or relicensure shall complete a criminal history check form as provided by
31 *the State of Arkansas for the past five (5) years or has been ~~certified~~*
32 *licensed continuously for the past five (5) years as an Arkansas emergency*
33 *medical ~~technician~~ services personnel, then the applicant shall be required*
34 *to have only a state criminal history check completed.*

35 (2) If an applicant is requesting initial Arkansas emergency
36 medical ~~technician certification~~ services personnel licensure and is from

1 another state or if the applicant cannot provide proof of continuous
 2 residency in the State of Arkansas for the past five (5) years, the applicant
 3 shall be required to have both a state and a national criminal history check
 4 completed.

5 (d)(1) The division shall process all applications that have the
 6 criminal history checks form attached to the Arkansas ~~EMT~~ emergency medical
 7 services personnel application but reserves the right to suspend or revoke
 8 the applicant's ~~certification or recertification~~ licensure or relicensure if
 9 the applicant is found in the bureau's index.

10 (2) Any currently certified Arkansas emergency medical
 11 ~~technician~~ services personnel who has, ~~prior to~~ before March 17, 1999,
 12 submitted criminal background information specific to offenses listed by the
 13 applicant on the Arkansas ~~EMT~~ emergency medical services personnel
 14 certification application to the division and has been allowed to become
 15 certified based upon the information provided by the applicant, that
 16 certification shall not be suspended during the request for waiver.

17
 18 SECTION 17. Arkansas Code § 20-13-1208 is amended to read as follows:
 19 20-13-1108. Additional checks.

20 ~~The Division of EMS and Trauma Systems of the Division of Health of the~~
 21 ~~Department of Health and Human Services~~ the Department of Health maintains
 22 *the right to conduct* additional state or national criminal background checks
 23 at the cost of the division on applicants or Arkansas-~~certified~~ licensed
 24 emergency medical ~~technicians~~ services personnel under investigation for
 25 violation of current emergency medical services laws or rules ~~and~~
 26 ~~regulations~~.

27
 28 SECTION 18. Arkansas Code § 20-13-1111 is amended to read as follows:
 29 20-13-1111. Notice of convictions.

30 ~~An~~ Arkansas-~~certified~~ licensed emergency medical ~~technicians~~ services
 31 personnel shall notify the Division of EMS and Trauma Systems of the ~~Division~~
 32 ~~of Health of the Department of Health and Human Services~~ Department of Health
 33 of any conviction of or plea of guilty or nolo contendere to any offenses
 34 listed in § 20-13-1106(b) within ten (10) calendar days after the conviction
 35 or guilty plea or plea of nolo contendere.

36

1 SECTION 19. Arkansas Code § 27-36-304(b) concerning use of emergency
2 lights by *emergency medical services personnel*, is amended to read as
3 follows:

4 (b) Emergency medical ~~technicians-certified~~ services personnel
5 licensed by the Department of Health may install, maintain, and exhibit red
6 rotating or flashing emergency lights upon a vehicle when responding to an
7 emergency.

8
9 SECTION 20. Arkansas Code § 27-49-219(d)(1), concerning the definition
10 of “authorized emergency vehicle,” is amended to read as follows:

11 (d)(1) “Authorized emergency vehicle” means authorized emergency
12 vehicles which shall include:

13 (A) Motor vehicles used by state, county, or city and
14 municipal police agencies, all of which shall be equipped with:

15 (i) Blue; or

16 (ii) Blue, red, or white rotating or flashing
17 emergency lights;

18 (B)(i) Motor vehicles used by state, county, city, or
19 municipal fire departments, motor vehicles owned and used by volunteer fire
20 fighters while engaged in official duties, motor vehicles used by emergency
21 medical ~~technicians-certified~~ services personnel licensed by the Department
22 of Health or privately owned fire departments, and ambulances used solely for
23 ambulance purposes which are approved as ambulances in accordance with state
24 and federal highway safety standards, all of which shall be equipped with red
25 rotating or flashing emergency lights.

26 (ii) Flashing emergency lights shall be used by
27 volunteer fire fighters solely while engaged in the performance of duties as
28 volunteer fire fighters and by emergency medical ~~technicians~~ services
29 personnel solely while engaged in the performance of duties with an ambulance
30 service licensed by the department or an organized rescue squad or team;

31 (C)(i) Motor vehicles owned by state, county, and
32 municipal agencies whose use is determined by the state agency to be required
33 for dangerous or hazardous services and motor vehicles owned by public
34 service corporations or private individuals whose use is determined by the
35 Commissioner of Motor Vehicles, in accordance with regulations established by
36 the commissioner to prevent abuses thereof, to be for extra hazardous

1 service, may be equipped with amber flashing or rotating emergency or warning
2 lights which shall not qualify them as emergency vehicles, but which shall,
3 during hazardous uses ~~thereof~~, display their amber flashing or rotating
4 emergency or warning lights in order that other motorists and the public may
5 be aware of the special or hazardous use of the vehicles and shall exercise
6 caution in approaching the vehicles at all times while the amber flashing or
7 rotating emergency or warning lights are in operation.

8 (ii) All hazardous service vehicles shall conform to
9 regular traffic signals and speed limits during their operation; and

10 (D)(i) Motor vehicles utilized as wreckers or tow vehicles
11 permitted or licensed under § 27-50-1203 may be equipped with amber flashing
12 or rotating emergency or warning lights that shall not qualify them as
13 emergency vehicles, but which shall, only during hazardous uses ~~thereof~~,
14 display their amber flashing or rotating emergency or warning lights in order
15 that other motorists and the public may be aware of the special or hazardous
16 use of the wreckers or tow vehicles and exercise caution in approaching the
17 wreckers or tow vehicles at all times while the amber flashing or rotating
18 emergency or warning lights are in operation. Unless otherwise directed by a
19 law enforcement officer, a wrecker or tow vehicle shall conform to regular
20 signals and speed limits during its operation. In addition to amber flashing
21 or rotating emergency or warning lights, wreckers or tow vehicles that
22 respond to highway emergencies may be equipped with red flashing or rotating
23 emergency or warning lights.

24 (ii) Red flashing or rotating emergency or warning
25 lights on a wrecker or tow vehicle shall be operated only while the wrecker
26 or tow vehicle is stopped on or within ten feet (10') of a public way and
27 engaged in recovery or loading and hooking up an abandoned, an unattended, a
28 disabled, or a wrecked vehicle. A wrecker or tow vehicle shall not operate
29 forward-facing red flashing or rotating emergency or warning lights while
30 underway, except as may be expressly authorized or required by law otherwise.

31
32 /s/ Broadway

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34 **APPROVED: 3/27/2009**