

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.

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

# A Bill

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),  
36 "employee of a correctional facility" includes a person working under a



1 professional services contract with the Department of Correction, the  
 2 Department of Community Correction, or the Division of Youth Services of the  
 3 Department of Human Services;

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

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

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

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

14 (i) A physician;

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

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

20 (iv) Any other health care provider; or

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

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

24  
 25 SECTION 2. Arkansas Code § 5-60-123(a), concerning obstruction or  
 26 interference with emergency medical personnel, is amended to read as follows:

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

32  
 33 SECTION 3. Arkansas Code § 14-266-103 is amended to read as follows:  
 34 14-266-103. Definitions.

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

36 (1) "Emergency medical services" means the transportation and

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

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

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

16  
 17 SECTION 4. Arkansas Code § 14-266-105(a), concerning the grant of  
 18 authority to cities of the first class and second class for ambulance  
 19 services, is amended to read as follows:

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

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

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

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

1 citizens;

2 (A) Rates;

3 (B) Fees;

4 (C) Charges; and

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

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

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

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

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

25

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

27 20-13-102. Use of special terms or abbreviations without certificate  
28 unlawful.

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

1 services in this state.

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

9

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

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

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

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

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

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

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

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

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

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

33

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

35 20-13-202. Definitions.

36 As used in this subchapter:

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

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

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

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

13 ~~(5) "Board" means the State Board of Health;~~

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

19 (7) "Council" means the Emergency Medical Services Advisory  
 20 Council;

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

23 ~~(9)~~(5) "Emergency medical services" means:

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

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

30 ~~(10)~~(6)(A) "Emergency medical ~~technician~~ services personnel"  
 31 means an individual ~~certified~~ licensed by the ~~division~~ department at any  
 32 level established by the rules ~~and regulations promulgated~~ adopted by the  
 33 board, ~~as authorized in~~ under this subchapter, and authorized to perform  
 34 those services set forth ~~therein~~ in the rules.

35 (B) ~~These shall include, but not be limited to~~ without  
 36 limitation: "EMT", "EMT A", "EMT Instructor", "EMT Paramedic", and "EMS-

1 ~~Communications~~ Advanced EMT, EMT-A, paramedic, Emergency Medical Services  
 2 Instructor, or Emergency Medical Services Instructor Trainer;

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

8 ~~(11)~~(8) "Medical facility" means any hospital, medical clinic,  
 9 physician's office, nursing home, or other health care facility.

10  
 11 SECTION 8. Arkansas Code § 220-13-205(a), concerning creation of the  
 12 Emergency Medical Services Advisory Council, is amended to read as follows:

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

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

19 (A) The Arkansas Chapter of the American College of  
 20 Emergency Physicians;

21 (B) The Arkansas Academy of Family Physicians;

22 (C) The Arkansas Medical Society; and

23 (D) The medical director for a licensed paramedic  
 24 ambulance service;

25 (2) One (1) member recommended by the Arkansas Hospital  
 26 Association;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25  
 26 SECTION 9. Arkansas Code § 20-13-207(a), concerting the powers and  
 27 duties of Emergency Medical Services Advisory Council, is amended to read as  
 28 follows:

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

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

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



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

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

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

8 (6) Procedures for summoning and dispatching aid.

9  
 10 SECTION 10. Arkansas Code § 20-13-208 is amended to read as follows:

11 20-13-208. State Board of Health – Powers and duties.

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

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

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

30  
 31 SECTION 11. Arkansas Code § 20-13-211 is amended to read as follows:

32 20-13-211. Fees.

33 The State Board of Health may establish the fees to be charged by the  
 34 ~~Division of Health of the Department of Health and Human Services which are~~  
 35 ~~deemed necessary~~ Department of Health to defray the cost of administering and  
 36 enforcing this subchapter, as follows:

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

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

6 (B) Ten dollars (\$10.00) of the certification fee shall be  
7 credited to the Emergency Medical Services Revolving Fund.

8 (C) The certification shall be valid for two (2) years;

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

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

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

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

19  
20 SECTION 12. Arkansas Code § 20-13-214 is amended to read as follows:

21 20-13-214. Military emergency medical personnel.

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

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

32  
33 SECTION 13. Arkansas Code § 20-13-1101 is amended to read as follows:

34 20-13-1101. Definitions.

35 As used in this subchapter:

36 (1) "Applicant" means any individual seeking Arkansas emergency

1 medical technician certification or recertification;

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

4 (3) "Care" means treatment, services, assistance, education,  
5 training, instruction, or supervision in the prehospital emergency medical  
6 systems environment;

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

12 ~~(5)~~(4) "Certifying agency" means the government agency charged  
13 with certifying the qualified individual to provide prehospital care;

14 ~~(6) "Division" means the Division of Health of the Department of~~  
15 ~~Health and Human Services;~~

16 ~~(7)~~(5) "Division of EMS and Trauma Systems" means the  
17 organization within the ~~Division of Health of the Department of Health and~~  
18 ~~Human Services~~ Department of Health responsible for the enforcement of  
19 emergency medical services legislation within the State of Arkansas;

20 ~~(8)~~(6) "Emergency medical services system" means the  
21 transportation and medical care provided to the ill or injured prior to  
22 arrival at a medical facility by a certified emergency medical technician or  
23 other health care provider and the continuation of the initial emergency care  
24 within a medical facility subject to the approval of the medical staff and  
25 governing board of that facility;

26 ~~(9)~~(7) "Emergency medical technician (EMT)" means the individual  
27 who has been ~~certified~~ licensed as an EMT, ~~EMT-ambulance, EMT-intermediate or~~  
28 ~~EMT-paramedic~~ Advanced EMT, EMT-A, or paramedic and who may perform those  
29 services equivalent to level of certification;

30 ~~(10)~~(8) "Index" means the database maintained by the bureau of  
31 criminal records checks that have been conducted on applicants for EMT  
32 ~~certification and recertification~~ licensure and relicensure;

33 (9) "Licensure" means the official acknowledgment by the  
34 Department of Health that an individual has demonstrated competence to  
35 perform the emergency medical services required for licensure as provided by  
36 the Arkansas EMS Rules and Regulations;

1           ~~(11)~~(10) "National criminal history check" means a review of  
2 national criminal records maintained by the Federal Bureau of Investigation  
3 based on fingerprint identification or other positive identification methods;

4           (12)~~(11)~~ "~~Recertification~~" "Relicensure" means the official  
5 acknowledgment by the division that an individual has demonstrated competence  
6 to perform the emergency medical services required for ~~recertification~~  
7 relicensure as ~~provided by~~ under Arkansas EMS Rules and Regulations;

8           ~~(13)~~(12) "Report" means a statement of the criminal history of  
9 an applicant issued by the bureau; and

10           ~~(14)~~(13) "State criminal history check" means a review of state  
11 criminal records conducted by the bureau using the Arkansas Crime Information  
12 Center.

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

17           (a)(1) Any applicant applying for initial certification shall complete  
18 a criminal history check form and shall request the Identification Bureau of  
19 the Department of Arkansas State Police to conduct a state or national  
20 criminal history check, or both, on the applicant.

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

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

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

29  
30           SECTION 15. Arkansas Code § 20-13-1103(a), concerning applications for  
31 EMT certification, is amended to read as follows:

32           (a)(1) Any applicant applying for ~~recertification~~ licensure who holds  
33 a current Arkansas EMT certification before July 1, 1999, shall complete a  
34 criminal history check form no later than his or her current expiration date  
35 or July 1, 2001, whichever comes first, and shall request the Identification  
36 Bureau of the Department of Arkansas State Police to conduct a state or

1 national criminal history check, or both, on the applicant.

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

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

7 (4) The Division of EMS and Trauma Systems of the ~~Division of~~  
8 ~~Health of the Department of Health and Human Services~~ Department of Health  
9 shall forward the criminal history check form and the appropriate fees to the  
10 bureau.

11  
12 SECTION 16. Arkansas Code § 20-13-1104 is amended to read as follows:

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

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

19 (b) Applicants for initial ~~certification or recertification~~ licensure  
20 or relicensure shall complete a criminal history check form as provided by  
21 the division and accepted by the bureau when requested by the division but  
22 shall be required to pay all appropriate fees one (1) time only and not at  
23 each ~~recertification~~ relicensure.

24 (c)(1) If the applicant can provide proof of continuous residency in  
25 the State of Arkansas for the past five (5) years or has been certified  
26 continuously for the past five (5) years as an Arkansas emergency medical  
27 technician, then the applicant shall be required to have only a state  
28 criminal history check completed.

29 (2) If an applicant is requesting initial Arkansas emergency  
30 medical ~~technician certification~~ services personnel licensure and is from  
31 another state or if the applicant cannot provide proof of continuous  
32 residency in the State of Arkansas for the past five (5) years, the applicant  
33 shall be required to have both a state and a national criminal history check  
34 completed.

35 (d)(1) The division shall process all applications that have the  
36 criminal history checks form attached to the Arkansas ~~EMT~~ emergency medical

1 services personnel application but reserves the right to suspend or revoke  
 2 the applicant's ~~certification or recertification~~ licensure or relicensure if  
 3 the applicant is found in the bureau's index.

4 (2) Any currently certified Arkansas emergency medical  
 5 technician who has, ~~prior to~~ before March 17, 1999, submitted criminal  
 6 background information specific to offenses listed by the applicant on the  
 7 Arkansas EMT certification application to the division and has been allowed  
 8 to become certified based upon the information provided by the applicant,  
 9 that certification shall not be suspended during the request for waiver.

10  
 11 SECTION 17. Arkansas Code § 20-13-1208 is amended to read as follows:  
 12 20-13-1108. Additional checks.

13 The Division of EMS and Trauma Systems of the Division of Health of the  
 14 Department of Health and Human Services maintains the right to conduct  
 15 additional state or national criminal background checks at the cost of the  
 16 division on applicants or Arkansas-~~certified~~ licensed emergency medical  
 17 ~~technicians~~ services personnel under investigation for violation of current  
 18 emergency medical services laws or rules ~~and regulations~~.

19  
 20 SECTION 18. Arkansas Code § 20-13-1111 is amended to read as follows:  
 21 20-13-1111. Notice of convictions.

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

28  
 29 SECTION 19. Arkansas Code § 27-36-304(b) concerning use of emergency  
 30 lights by EMTs, is amended to read as follows:

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

35  
 36 SECTION 20. Arkansas Code § 27-49-219(d)(1), concerning the definition

1 of "authorized emergency vehicle," is amended to read as follows:

2 (d)(1) "Authorized emergency vehicle" means authorized emergency  
3 vehicles which shall include:

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

6 (i) Blue; or

7 (ii) Blue, red, or white rotating or flashing  
8 emergency lights;

9 (B)(i) Motor vehicles used by state, county, city, or  
10 municipal fire departments, motor vehicles owned and used by volunteer fire  
11 fighters while engaged in official duties, motor vehicles used by emergency  
12 medical ~~technicians certified~~ services personnel licensed by the Department  
13 of Health or privately owned fire departments, and ambulances used solely for  
14 ambulance purposes which are approved as ambulances in accordance with state  
15 and federal highway safety standards, all of which shall be equipped with red  
16 rotating or flashing emergency lights.

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

22 (C)(i) Motor vehicles owned by state, county, and  
23 municipal agencies whose use is determined by the state agency to be required  
24 for dangerous or hazardous services and motor vehicles owned by public  
25 service corporations or private individuals whose use is determined by the  
26 Commissioner of Motor Vehicles, in accordance with regulations established by  
27 the commissioner to prevent abuses thereof, to be for extra hazardous  
28 service, may be equipped with amber flashing or rotating emergency or warning  
29 lights which shall not qualify them as emergency vehicles, but which shall,  
30 during hazardous uses ~~thereof~~, display their amber flashing or rotating  
31 emergency or warning lights in order that other motorists and the public may  
32 be aware of the special or hazardous use of the vehicles and shall exercise  
33 caution in approaching the vehicles at all times while the amber flashing or  
34 rotating emergency or warning lights are in operation.

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

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

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

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