**A** **BILL**

TO AMEND SECTION 44-61-80 OF THE 1976 CODE, RELATING TO EMERGENCY MEDICAL TECHNICIAN CERTIFICATES AND RELATED PROVISIONS, TO PROVIDE THAT THE SUSPENSION OR REVOCATION OF AN EMERGENCY MEDICAL TECHNICIAN CERTIFICATE SHALL INCLUDE ALL LEVELS OF CERTIFICATION AND TO PROVIDE FOR RELATED REPORTING REQUIREMENTS TO THE NATIONAL PRACTITIONER DATA BANK.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 44-61-80 of the 1976 Code is amended to read:

“Section 44‑61‑80. (A) All ambulance attendants shall obtain a valid emergency medical technician certificate, unless an exception is granted pursuant to regulations promulgated by the department. A person who provides patient care that is within the scope of an emergency medical technician without obtaining proper certification from the department shall be sanctioned in accordance with a Class I civil penalty as defined in Regulation 61‑7(304), unless an exception was granted as provided for in this subsection.

(B) The department shall develop and approve educational standards for the necessary classification of emergency medical technicians and approve the training program for the necessary classifications of emergency medical technicians. All instructors of emergency medical technician training courses must be certified by the department pursuant to the requirements established by the board, and all such training courses shall be supervised by certified instructors.

(C) A person seeking EMT certification must pass the National Registry of Emergency Medical Technicians examination for the level of certification desired and meet other requirements established by the department. The department will make a determination of the applicant's qualifications and, if appropriate, issue a certificate to the applicant.

(D)(1) A person seeking EMT certification or recertification must undergo a state criminal history background check, supported by fingerprints by the South Carolina Law Enforcement Division (SLED), and a national criminal history background check, supported by fingerprints by the Federal Bureau of Investigation (FBI). The results of these criminal history background checks must be reported to the department. SLED is authorized to retain the fingerprints for certification purposes and for notification of the department regarding criminal charges. The cost of the state criminal history background check must not exceed eight dollars and must be paid by the EMT or the EMS agency upon application for the state check. The cost of the national criminal history background check is established by the FBI and must be paid by the EMT or the EMS agency upon application for the national check. The state and national criminal history background checks are not required for an EMT employed as of July 1, 2008, until the EMT applies for recertification. The department may deny certification to applicants with certain past felony convictions and to those who are under felony indictment. Applications for certification of individuals convicted of or under indictment for the following crimes will be denied in all cases:

~~(1)~~(a) felonies involving criminal sexual conduct;

~~(2)~~(b) felonies involving the physical or sexual abuse of children, the elderly, or the infirm including, but not limited to, criminal sexual conduct with a minor, making or distributing child pornography or using a child in a sexual display, incest involving a child, or assault on a vulnerable adult;

~~(3)~~(c) a crime in which the victim is a patient or resident of a health care facility, including abuse, neglect, theft from, or financial exploitation of a person entrusted to the care or protection of the applicant.

(2) Applications from individuals convicted of, or under indictment for, other offenses not listed above will be reviewed by the department on a case by case basis.

(E) EMT certification is valid for a period not exceeding four years from the date of issuance and must be renewed by undergoing a state and national criminal history background check as provided for in subsection (D) and providing documentation to the department of current national registration for the appropriate level of certification and any other credential as required by the department. The national registry credential must be renewed in accordance with National Registry of Emergency Medical Technicians policies and procedures. An individual who was certified in this State before October 2006, and has continuously maintained certification, may continue to renew certification without a national registry credential if the individual has successfully completed all other requirements as established by the department in regulation.

(F)(1) The department may take enforcement action, including, but not limited to, the suspension or revocation of certification, against the holder of a certificate at any time it is determined that the holder no longer meets the prescribed qualifications set forth by the department or has failed to provide to patients emergency medical treatment of a quality deemed acceptable by the department or is guilty of misconduct. Misconduct means that, while holding a certificate, the holder:

~~(1)~~(a) used a false, fraudulent, or forged statement or document or practiced a fraudulent, deceitful, or dishonest act in connection with the certification requirements or official documents required by the department;

~~(2)~~(b) was convicted of or currently under indictment for a felony or another crime involving moral turpitude, drugs, or gross immorality;

~~(3)~~(c) was addicted to alcohol or drugs to such a degree as to render him unfit to perform as an EMT;

~~(4)~~(d) sustained a mental or physical disability that renders further practice by him dangerous to the public;

~~(5)~~(e) obtained fees or assisted another in obtaining fees under dishonorable, false, or fraudulent circumstances;

~~(6)~~(f) disregarded an appropriate order by a physician concerning emergency treatment or transportation;

~~(7)~~(g) at the scene of an accident or illness, refused to administer emergency care based on the age, sex, race, religion, creed, or national origin of the patient;

~~(8)~~(h) after initiating care of a patient at the scene of an accident or illness, discontinued care or abandoned the patient without the patient's consent or without providing for the further administration of care by an equal or higher medical authority;

~~(9)~~(i) revealed confidences entrusted to him in the course of medical attendance, unless this revelation was required by law or is necessary in order to protect the welfare of the individual or the community;

~~(10)~~(j) by action or omission and without mitigating circumstance, contributed to or furthered the injury or illness of a patient under his care;

~~(11)~~(k) was careless, reckless, or irresponsible in the operation of an emergency vehicle;

~~(12)~~(l) performed skills above the level for which he was certified or performed skills that he was not trained to do;

~~(13)~~(m) observed the administration of substandard care by another EMT or other medical provider without documenting the event and notifying a supervisor;

~~(14)~~(n) by his actions or inactions, created a substantial possibility that death or serious physical harm could result;

~~(15)~~(o) did not take or complete remedial training or other courses of action as directed by the department as a result of an investigation or inquiry;

~~(16)~~(p) was found to be guilty of the falsification of documentation as required by the department; or

~~(17)~~(q) breached a section of the Emergency Medical Services Act of South Carolina or a subsequent amendment of the act or any rules or regulations published pursuant to the act.

(2) The department is further authorized to suspend a certificate pending the investigation of any complaint or allegation regarding the commission of an offense including, but not limited to, those listed above.

(G) ~~All instructors of emergency medical technician training courses must be certified by the department pursuant to requirements established by the board; and all such training courses shall be supervised by certified instructors~~ Suspension or revocation of an emergency medical technician certificate, including, but not limited to, EMT, AEMT, or paramedic certificates, shall include all levels of certification.

(H) Any adverse action or event related to credentialed personnel shall be reported to the National Practitioner Data Bank.”

SECTION 2. This act takes effect upon approval by the Governor.

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