

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
95th General Assembly
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As Engrossed: H3/19/25

A Bill

HOUSE BILL 1767

By: Representative L. Johnson

By: Senator Irvin

For An Act To Be Entitled

AN ACT TO ABOLISH THE EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL; TO CREATE THE EMERGENCY MEDICAL SERVICES ADVISORY COMMITTEE; TO TRANSFER THE POWERS AND DUTIES OF THE EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL TO THE EMERGENCY MEDICAL SERVICES ADVISORY COMMITTEE AND THE STATE BOARD OF HEALTH; AND FOR OTHER PURPOSES.

Subtitle

TO ABOLISH THE EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL; AND TO CREATE THE EMERGENCY MEDICAL SERVICES ADVISORY COMMITTEE.

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

SECTION 1. DO NOT CODIFY. Abolition of Emergency Medical Services Advisory Council.

(a)(1) The Emergency Medical Services Advisory Council is abolished, and its authority, duties, and functions are transferred to the Emergency Medical Services Advisory Committee of the Department of Health.

(2) All administrative functions, including the functions of budgeting or purchasing, records, contracts, personnel, property, and unexpended balances of appropriations, allocations, and other funds shall remain with the Department of Health.

(b)(1) The abolishment of the Emergency Medical Services Advisory Council does not affect the orders, rules, directives, registration,



licensing, or standards made or promulgated by the Emergency Medical Services Advisory Council and the State Board of Health or the Department of Health at the recommendation of the Emergency Medical Services Advisory Council before the effective date of this act.

(2) The orders, rules, directives, registration, licensing, or standards of the Emergency Medical Services Advisory Council and the State Board of Health or the Department of Health at the recommendation of the Emergency Medical Services Advisory Council shall continue to be in effect until they are amended or repealed under authority given by law.

SECTION 2. Arkansas Code § 14-43-601(b)(1), concerning municipal affairs delineated, is amended to read as follows:

(b)(1) Matters of public health that concern emergency medical services, emergency medical ~~technicians~~ services personnel, and ambulances, as defined in ~~§§ 20-13-201—20-13-209 and 20-13-211~~ the Emergency Medical Services Act, § 20-13-201 et seq., and ambulance companies, shall be included in the term “municipal affairs”.

SECTION 3. Arkansas Code § 14-266-102(a)(2), concerning legislative determination under the Ambulance Licensing Act, is amended to read as follows:

(2) In addition, it is legislatively determined that, in order to accomplish the purposes enumerated in this chapter, it may also be necessary for the cities and counties, in addition to all other powers granted in this chapter, to enact and establish standards, rules, and regulations that are equal to, or greater than, the minimum standards and rules established by the state, pursuant to ~~§§ 20-13-201—20-13-209 and 20-13-211~~ the Emergency Medical Services Act, § 20-13-201 et seq., concerning emergency medical services, emergency medical technicians, ambulances, ambulance companies, their relative properties, facilities, equipment, personnel, and all aspects attendant to providing emergency medical services and ambulance operations within the boundaries of their respective cities or in respect to the unincorporated areas of the county.

SECTION 4. Arkansas Code § 14-266-105(a)(1)(A), concerning the grant of authority to cities of the first class, cities of the second class, and

counties under the Ambulance Licensing Act, is amended to read as follows:

(1)(A) Enact and establish standards, rules, and regulations that are equal to or greater than those established by the state concerning emergency medical services and emergency medical services personnel, emergency and nonemergency ambulances, and ambulance companies, as defined under ~~§§ 20-13-201—20-13-209 and 20-13-211~~ the Emergency Medical Services Act, § 20-13-201 et seq.

SECTION 5. Arkansas Code § 19-5-1078 is amended to read as follows:
19-5-1078. EMS Enhancement Revolving Fund.

(a)(1) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the “EMS Enhancement Revolving Fund”.

(2) The EMS Enhancement Revolving Fund shall consist of such revenue as may be provided by law.

(b) Any funds remaining in the EMS Enhancement Revolving Fund at the end of the fiscal year shall be made available for distribution as follows:

(1) Fifty percent (50%) of the funds shall be available for distribution to the eligible state-licensed emergency medical services through a grant program managed by the ~~Division of Emergency Medical Services of the~~ Department of Health pursuant to § 20-13-103;

(2) Ten percent (10%) of the funds shall be authorized for use by the ~~division~~ department for administering the grant program prescribed in § 20-13-103, as well as for training, education, equipment, and supplies as needed to maintain staff proficiency in emergency medical services and testing support;

(3)(A) Five percent (5%) of the funds shall be authorized for the purposes of upgrading or instituting educational training sites and the increased availability of emergency medical services training programs.

(B) The training sites must meet the certification standards of the ~~division~~ department;

(4)(A) Ten percent (10%) of the funds shall be authorized for the purpose of instituting special projects managed by the ~~division~~ department that are directed toward the improvement of emergency medical services and the presentation of specialized training programs.

(B) Such programs or projects shall meet the standards set

forth in the United States Department of Transportation's National Standard Curriculum of 1998 for Emergency Medical Technician training and approved by the ~~division~~ department;

(5) Twenty percent (20%) of the funds shall be authorized for the purpose of instituting and maintaining a trauma system and trauma registry; and

(6) Five percent (5%) of the funds shall be authorized for use by the ~~division~~ department for:

- (A) Maintaining quality emergency medical services; and
- (B) Ensuring public safety and proper medical care by inspecting and licensing ambulance services and registering emergency medical services vehicles.

SECTION 6. Arkansas Code § 20-13-101(c), concerning the Emergency Medical Services Revolving Fund Act, is amended to read as follows:

(c)(1) It shall be the responsibility of the ~~Division of Emergency Medical Services~~ Department of Health to promulgate all rules for making application for the matching funds.

(2) It shall be the further responsibility of the ~~Department of Health~~ department to review all applications and approve those that shall be eligible for moneys under the provisions of this section and as may otherwise be provided by law.

SECTION 7. Arkansas Code § 20-13-101(e), concerning the Emergency Medical Services Revolving Fund Act, is amended to read as follows:

(e) All moneys deposited into this fund pursuant to § 20-13-211 shall be used by the department for the following purposes:

(1) ~~Certification~~ Licensure processing for emergency medical technicians;

(2) Travel expenses related to the onsite administration of practical and written examinations of emergency medical technicians;

(3) Maintenance of the emergency medical technician ~~certification~~ licensure software program;

(4) Educational programs for emergency medical technicians;

(5) Continuing maintenance of the required EMT-Instructor certification for agency personnel; and

(6) Other purposes consistent with this section.

SECTION 8. Arkansas Code § 20-13-103 is amended to read as follows:

20-13-103. Grant requests – Division and use of funds.

(a) Grant requests for funds from the EMS Enhancement Revolving Fund shall be reviewed by the ~~Emergency Medical Services Advisory Council specified in § 20-13-2015~~ Emergency Medical Services Advisory Committee and recommendations for recipients of grant funds made to the ~~Division of Emergency Medical Services of the~~ Department of Health.

(b)(1) The grant funds shall be evenly divided between the public, private, and volunteer sectors.

(2) For the purposes of this subsection, the public sector shall include only those applicants having paid employees.

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

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

(B) Ambulances purchased with these funds shall meet the standards for and be registered at the ~~I-A level~~ advanced emergency medical technician or a higher level by the ~~division~~ department;

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

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

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

(4)(A) Training that leads to Arkansas licensure as emergency medical services personnel at the basic or advanced levels.

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

(5) Emergency medical services-related training approved by the ~~division~~ department.

(d)(1) The funds may only be used to improve services by increasing the capability and skills of emergency medical services.

(2) Funds may not be used to maintain present status, pay salaries or daily operating expenses, contract for services, or purchase real

property.

(e) The funds may not be used for new services at a lower level than an existing licensed service which has been in operation for more than one (1) year in the service area.

(f)(1) All property purchased with the funds shall be returned to the ~~division~~ department if the licensed ambulance service ceases operations.

(2) The ~~division~~ department shall make every effort to redistribute returned property and supplies to the replacement service or other eligible existing services within the same county.

(3) Should no eligible service exist or another eligible service not be established in the county within one (1) year, all purchases shall be redistributed by the ~~division~~ department as needed.

(g)(1) Any vehicle or equipment purchased with these funds shall be used for its intended purpose for at least three (3) years from its date of purchase.

(2) Vehicles or equipment damaged or worn out within the three-year period shall be replaced with a like or better item at the grantee's expense.

SECTION 9. Arkansas Code § 20-13-202(10), concerning definitions pertaining to emergency medical services, is amended to read as follows:

(10) "Licensure" means official acknowledgment by the department that an individual has demonstrated competence to perform the emergency medical services required for licensure under the rules and standards adopted by the board ~~upon recommendation by the Emergency Medical Services Advisory Council;~~

SECTION 10. Arkansas Code § 20-13-205 is repealed.

~~20-13-205. Emergency Medical Services Advisory Council — Creation — Members.~~

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

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

- ~~(A) The Arkansas Chapter of the American College of Emergency Physicians;~~
- ~~(B) The Arkansas Academy of Family Physicians, Inc.;~~
- ~~(C) The Arkansas Medical Society, Inc.; and~~
- ~~(D) The medical director for a licensed paramedic ambulance service;~~
- ~~(2) One (1) member recommended by the Arkansas Hospital Association, Inc.;~~
- ~~(3) One (1) member who shall be a member of the Arkansas Emergency Nurses Association;~~
- ~~(4) One (1) member who shall be a member of, and recommended by, the Arkansas Ambulance Association;~~
- ~~(5) One (1) member who shall be a licensed paramedic;~~
- ~~(6) One (1) member who shall be a licensed EMT;~~
- ~~(7) One (1) member representing fire department-based ambulance services;~~
- ~~(8) One (1) member representing emergency medical services personnel training sites who has had at least five (5) years' experience associated with emergency medical services personnel in this state;~~
- ~~(9) One (1) member who shall be a consumer representative who has an interest in public health and emergency medical services. The member shall be appointed by the Governor from the state at large;~~
- ~~(10) One (1) member who shall be sixty five (65) years of age or more. This member shall be appointed by the Governor from the state at large and shall not belong to any other group specifically addressed in this section, with the exception of the consumer representative;~~
- ~~(11) One (1) member who shall represent city-based or county-based ambulance services;~~
- ~~(12) One (1) member who shall represent the Arkansas Association of Chiefs of Police or the Arkansas Sheriffs' Association;~~
- ~~(13) One (1) member representing fire service rescue operations which do not transport patients;~~
- ~~(14) One (1) member licensed as an attorney at law in good professional standing within this state and having a knowledge of medical and legal issues;~~
- ~~(15) One (1) member appointed from a list of two (2) nominees~~

~~submitted by the Arkansas Emergency Medical Technicians Association; and~~

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

~~(b) Members shall be appointed for terms of five (5) years.~~

~~(c) Vacancies on the council due to death, resignation, or other causes shall be filled by appointment by the Governor for the unexpired portion of the term thereof in the same manner as is provided in this section for initial appointments.~~

~~(d) Members except those employed by the state may receive expense reimbursement and stipends in accordance with § 25-16-901 et seq.~~

~~(e) The members may be removed by the Governor for neglect of duty or malfeasance in office.~~

SECTION 11. Arkansas Code § 20-13-206 is repealed.

~~20-13-206. Emergency Medical Services Advisory Council—Proceedings.~~

~~(a) The Emergency Medical Services Advisory Council, within thirty (30) days after its appointment, shall organize as necessary to carry out its purposes as prescribed by this subchapter.~~

~~(b) Procedures adopted, amended, or repealed by the council shall require a majority vote of all council members.~~

~~(c)(1) At the initial organizational meeting of the council, the members shall elect from among their number a chair and a vice chair to serve for one (1) year.~~

~~(2) Annually thereafter, an organizational meeting shall be held to elect the officers.~~

~~(3) The Director of the Division of Emergency Medical Services shall serve as the Executive Secretary of the Emergency Medical Services Advisory Council.~~

~~(4) Seven (7) council members shall constitute a quorum.~~

~~(d) Quarterly meetings of the council may be held. Special meetings may be called as provided by the rules of the council.~~

~~(e)(1) The Executive Secretary of the Emergency Medical Services Advisory Council shall keep full and true records of all council proceedings and preserve all books, documents, and papers relating to the business of the council.~~

~~(2) The records of the council shall be open for inspection at~~

~~all reasonable times.~~

~~(f)(1) The council shall report in writing to the Secretary of the Department of Health on or about July 31 of each year.~~

~~(2) The report shall contain a summary of the proceedings of the council during the preceding fiscal year, a detailed and itemized statement of all revenue and of all expenditures made by or in behalf of the council, other information deemed necessary or useful, and any additional information which may be requested by the Secretary of the Department of Health.~~

SECTION 12. Arkansas Code § 20-13-207 is repealed.

~~20-13-207. Emergency Medical Services Advisory Council — Powers and duties.~~

~~(a) The Emergency Medical Services Advisory Council shall recommend for adoption by the State Board of Health rules on all matters relating to emergency medical services, including without limitation:~~

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

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

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

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

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

~~(6) Procedures for summoning and dispatching aid.~~

~~(b) The Department of Health shall have evidence that the standards imposed are important to the quality of patient care.~~

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

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

(a)~~(1)~~ The State Board of Health shall have the responsibility and authority to hold public hearings and promulgate and implement rules and standards ~~which~~ that it deems necessary to carry out the provisions of this subchapter upon recommendation by the Emergency Medical Services Advisory

Committee.

~~(2) However, before implementing any rules or standards, the board shall submit and obtain the review of the House Committee on Public Health, Welfare, and Labor and the Senate Committee on Public Health, Welfare, and Labor or appropriate subcommittees.~~

(b) In addition, the board may establish appropriate rules and standards defining or limiting the emergency medical procedures or services that may be rendered by licensed emergency medical services personnel who are authorized to legally perform these services under the conditions set forth by the board, except that before implementing any rules and standards, the board shall submit and obtain the review of the House Committee on Public Health, Welfare, and Labor and the Senate Committee on Public Health, Welfare, and Labor or appropriate subcommittees.

(c) All rules and standards promulgated under this section shall be adopted in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

SECTION 14. Arkansas Code § 20-13-210 is repealed.

~~20-13-210. Rules and standards—Review required.~~

~~(a)(1) All rules and standards relating to emergency medical services promulgated and adopted by the Emergency Medical Services Advisory Council and the State Board of Health or any other state agency or department authorized to promulgate and adopt rules to carry out this subchapter shall be submitted to the House Committee on Public Health, Welfare, and Labor and the Senate Committee on Public Health, Welfare, and Labor or appropriate subcommittees thereof for consideration before being placed in effect by the department or agency.~~

~~(2) No rules or standards promulgated to carry out this subchapter shall be enforced by any state agency or department until they have been:~~

~~(A) Submitted to and considered by the House Committee on Public Health, Welfare, and Labor and the Senate Committee on Public Health, Welfare, and Labor; and~~

~~(B) Reviewed and approved by the Legislative Council under § 10-3-309.~~

~~(b) Rules promulgated by the Emergency Medical Services Advisory~~

~~Council shall receive approval of the Governor after he or she receives the review and approval of the Legislative Council before effect and enforcement.~~

SECTION 15. Arkansas Code § 20-13-215(a), concerning the award of a flag upon the death of a member of emergency medical services personnel, is amended to read as follows:

(a) When a person licensed by the ~~Division of Emergency Medical Services~~ Department of Health dies in the course of employment, in recognition of and appreciation for the service of the deceased person, the ~~Department of Health~~ department, upon recommendation by the Emergency Medical Services Advisory Committee, may award one (1) United States flag to the deceased person's spouse or family.

SECTION 16. The introductory language of Arkansas Code § 20-13-218(c), concerning standards for communication between emergency medical services personnel and patients regarding specific health conditions, is amended to read as follows:

(c) The ~~Emergency Medical Services Advisory Council~~ Emergency Medical Services Advisory Committee shall establish standards for:

SECTION 17. Arkansas Code Title 20, Chapter 13, Subchapter 2, is amended to add additional sections to read as follows:

20-13-220. Emergency Medical Services Advisory Committee – Creation – Members.

(a) There is created the Emergency Medical Services Advisory Committee, which shall consist of eleven (11) with a demonstrated interest in emergency medical services, to be appointed by the State Board of Health as follows:

(1) One (1) member who is an emergency medical services medical director of a ground ambulance service;

(2) One (1) member who is an emergency physician certified by the Arkansas State Medical Board with emergency room or critical care experience;

(3) One (1) member from the state at large who is a consumer representative who has an interest in public health and emergency medical services;

(4)(A) One (1) member who is an emergency medical services paramedic from a ground transportation provider.

(B) The State Board of Health shall consult The Arkansas Ambulance Association before making an appointment under subdivision (a)(4)(A) of this section;

(5)(A) One (1) member from the state at large who is an emergency medical services *clinician* working as an emergency medical technician, an advanced emergency medical technician, a paramedic, or a community paramedic.

(B) The State Board of Health shall consult the AEMTA Air Medical Society before making an appointment under subdivision (a)(5)(A) of this section;

(6)(A) One (1) member who is an air medical services paramedic.

(B) The State Board of Health shall consult the Air Medical Society of the Arkansas Emergency Medical Technicians Association before making an appointment under subdivision (a)(6)(A) of this section;

(7)(A) One (1) member who is a public or government licensed ambulance service provider and a licensed emergency medical services *clinician*.

(B) The State Board of Health shall consult The Arkansas Ambulance Association before making an appointment under subdivision (a)(7)(A) of this section;

(8)(A) One (1) member who is a private licensed ambulance service provider and a licensed emergency medical services *clinician*.

(B) The State Board of Health shall consult The Arkansas Ambulance Association before making an appointment under subdivision (a)(8)(A) of this section; and

(9) One (1) member who is a certified military emergency medical technician;

(10) One (1) member who is a fire-based ambulance service provider; and

(11) One (1) member who is the Emergency Medical Services Training Site Program Director.

(b)(1) Members shall be appointed for terms of two (2) years.

(2) Members shall not serve more than two (2) consecutive terms.

(c) When a member's term ends, the member shall hold office until his

or her successor is appointed and qualified.

(d) Vacancies on the committee due to death, resignation, or other causes shall be filled by appointment by the State Board of Health for the unexpired portion of the term in the same manner as is provided in this section for initial appointments.

(e) The members of the committee shall serve without pay but may receive expense reimbursement and stipends in accordance with § 25-16-901 et seq.

(f) The members of the committee may be removed by the State Board of Health for neglect of duty or malfeasance in office.

(g) Members who are appointed as employee members under subsection (a) of this section shall be active employees in their represented field.

20-13-221. Emergency Medical Services Advisory Committee – Proceedings.

(a) The Secretary of the Department of Health shall call the first meeting of the Emergency Medical Services Advisory Committee, which shall occur within thirty (30) days after the appointment of the committee to organize as necessary to carry out the purposes of the committee as prescribed by this subchapter.

(b) Procedures adopted, amended, or repealed by the committee shall require a majority vote of a quorum.

(c)(1) At the initial organizational meeting of the committee, the members shall elect from among their number a chair and a vice chair to serve for one (1) year.

(2) Annually thereafter, an organizational meeting of the committee shall be held to elect the committee officers.

(3) The Secretary of the Department of Health or his or her designee shall serve as the Executive Secretary of the Emergency Medical Services Advisory Committee.

(4) Six (6) committee members shall constitute a quorum.

(d)(1) Quarterly meetings of the committee shall be held.

(2) Special meetings shall be called as provided by the rules of the committee.

(e)(1) The Executive Secretary of the Emergency Medical Services Advisory Committee shall keep full and true records of all committee

proceedings and preserve all books, documents, and papers relating to the business of the committee.

(2) The records of the committee shall be open for inspection at all reasonable times.

20-13-222. Emergency Medical Services Advisory Committee – Powers and duties.

(a) In addition to the other duties set forth in this chapter, the Emergency Medical Services Advisory Committee shall:

(1) Make recommendations for rules to be adopted by the State Board of Health on all matters relating to emergency medical services, including without limitation:

(A) Standards for licensure of ambulance and advanced life support rescue personnel;

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

(C) Standards for vehicles used in patient transportation and advanced life support rescue response, including without limitation communications requirements;

(D) A statewide communications system for emergency medical services;

(E) Operational standards for providers of ambulance and advanced life support rescue services, including without limitation reporting requirements and standards for air ambulances and air ambulance services; and

(F) Procedures for summoning and dispatching aid;

(2) Assist area health planning in the establishment and operation of local, municipal, county, or district emergency medical services;

(3) Hold public administrative hearings for disciplinary action against emergency medical services personnel or an emergency medical services provider as defined under § 20-13-202;

(4) Hear appeals for the denial or renewal of licensure of emergency medical services personnel or emergency medical services providers as defined under § 20-13-202;

(5) Review requests for waiver of criminal background disqualifying offenses under § 20-13-1106; and

(6)(A) Engage in the development of dispatching capabilities for emergency medical services in the state.

(B) An emergency medical services provider shall make a reasonable effort to see that a patient is taken to a physician or hospital of the patient's choice, if within a reasonable distance.

(b) An appeal of an adverse action taken by the Emergency Medical Services Advisory Committee under subdivisions (a)(3) and (4) of this section may be made to the State Board of Health and then the appropriate circuit court in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

SECTION 18. Arkansas Code § 20-13-807(b)(5), concerning the membership of the Trauma Advisory Council, is amended to read as follows:

(5) One (1) member appointed by the Governor after consulting the ~~Emergency Medical Services Advisory Council~~ Emergency Medical Services Advisory Committee;

SECTION 19. Arkansas Code § 20-13-901(4), concerning definitions pertaining to the Arkansas Emergency Medical Services Do Not Resuscitate Act, is amended to read as follows:

(4) "Emergency Medical Services Do Not Resuscitate Protocol" means a standardized method of procedure, ~~approved~~ recommended by the ~~State Board of Health~~ Emergency Medical Services Advisory Committee and adopted in the rules of the ~~department~~ State Board of Health, for the withholding of emergency life-sustaining procedures by emergency medical services personnel;

SECTION 20. Arkansas Code § 20-13-906 is amended to read as follows:
20-13-906. Rulemaking authority.

(a) Upon the adoption of an Emergency Medical Services Do Not Resuscitate Protocol by the State Board of Health at the recommendation of the Emergency Medical Services Advisory Committee, the Department of Health may adopt a standard form of Do Not Resuscitate Identification to be used statewide.

(b) The ~~department~~ State Board of Health ~~shall~~ may adopt rules recommended by the committee to administer the provisions of this subchapter.

SECTION 21. Arkansas Code § 20-13-1002 is amended to read as follows:
20-13-1002. License application and renewal.

(a)(1) An application for the issuance or renewal of an ambulance service license or a provisional ambulance service license shall be made on forms provided by the Department of Health and shall be accompanied by any fee as required by law or by rules promulgated by the ~~department~~ State Board of Health.

(2) Each license shall be renewed annually.

(b) Each licensee shall be issued a service license in one (1) of the classifications set forth by the department.

(c) The ~~department~~ board shall promulgate rules for the licensure and renewal of an ambulance service license.

SECTION 22. Arkansas Code § 20-13-1005 is amended to read as follows:
20-13-1005. Revocation of license.

Three (3) formal citations during the license term for failure to comply with this subchapter and any rules promulgated by the ~~Department of Health~~ State Board of Health in regard to ambulance services shall result in revocation of the ambulance service license.

SECTION 23. Arkansas Code § 20-13-1101(9), concerning definitions pertaining to criminal records checks for emergency medical services personnel, is amended to read as follows:

(9) "Licensure" means the official acknowledgment by the department that an individual has demonstrated competence to perform the emergency medical services required for licensure under the rules and standards adopted by the State Board of Health upon recommendation by the ~~Emergency Medical Services Advisory Council~~ Emergency Medical Services Advisory Committee;

SECTION 24. Arkansas Code § 20-13-1101(11), concerning definitions pertaining to criminal records checks for emergency medical services personnel, is amended to read as follows:

(11) "Relicensure" means the official acknowledgment by the ~~Division of Emergency Medical Services~~ department that an individual has demonstrated competence to perform the emergency medical services required

for relicensure under ~~Arkansas EMS Rules~~ Rules for Emergency Medical Services, 20 CAR pt. 81;

SECTION 25. Arkansas Code § 20-13-1102(b), concerning mandatory criminal history checks for emergency medical services personnel, is amended to read as follows:

(b) The ~~Division of Emergency Medical Services of the~~ Department of Health shall conduct a state or national criminal history check, or both, on the applicant and determine whether the applicant is disqualified from licensure based on the report of the applicant's criminal history and forward its determination to the applicant directly.

SECTION 26. Arkansas Code § 20-13-1105 is amended to read as follows:
20-13-1105. Response – File copies.

The ~~Division of Emergency Medical Services of the~~ Department of Health shall maintain on file for a period of three (3) years, subject to inspection by the Arkansas Crime Information Center or the Identification Bureau of the Division of Arkansas State Police, a copy of each criminal history check completed by all applicants requesting state licensure.

SECTION 27. The introductory language of Arkansas Code § 20-13-1106(a)(1), concerning disqualifying offenses for emergency medical services certification, is amended to read as follows:

(a)(1) Except as provided in subdivision (d)(1) of this section, the ~~Division of Emergency Medical Services~~ Department of Health shall issue a determination that a person is disqualified from certification or recertification if the person has been found guilty of or has pleaded guilty or nolo contendere in a state court, inside or outside of this state, or a federal court, to any of the following offenses or similar conduct under another jurisdiction, including offenses for which the record has been expunged:

SECTION 28. Arkansas Code § 20-13-1106(a)(2), concerning disqualifying offenses for emergency medical services certification, is amended to read as follows:

(2)(A) However, the ~~division~~ department shall forward a request

for a waiver to the ~~Secretary of the Department of Health~~ Emergency Medical Services Advisory Committee for review on all applicants who have been convicted of the crimes in subdivision (a)(1) of this section if five (5) years have passed since the conviction, if five (5) years have passed since release from custodial confinement, or if the applicants are currently ~~certified~~ licensed emergency medical services personnel, prior to making the final determination on certification or recertification.

(B) Individuals under subdivision (a)(2)(A) of this section shall not be suspended prior to the ~~secretary's~~ committee's making the final determination.

SECTION 29. Arkansas Code § 20-13-1106(b)(2), concerning disqualifying offenses for emergency medical services certification, is amended to read as follows:

(2) Was not committed while performing duties as a member of emergency medical services personnel.

SECTION 30. Arkansas Code § 20-13-1106(c)(1) and (2), concerning disqualifying offenses for emergency medical services certification, is amended to read as follows:

(c)(1) The provisions of this section may be waived by the ~~Department of Health~~ committee upon written request by the person who is the subject of the criminal history check.

(2) The written request for waiver shall be ~~mailed~~ delivered to the ~~secretary~~ committee in care of the Department of Health within fifteen (15) calendar days after receipt of the determination by the department.

SECTION 31. Arkansas Code § 20-13-1107(b), concerning the procedure to challenge a criminal history check, is amended to read as follows:

(b) The ~~Division of Emergency Medical Services~~ Emergency Medical Services Advisory Committee shall follow the established procedures for applicants to challenge determinations in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq., as stated in the ~~current~~ EMS Rules Rules for Emergency Medical Services, 20 CAR pt. 81.

SECTION 32. Arkansas Code § 20-13-1108 is amended to read as follows:

20-13-1108. Additional checks.

The ~~Division of Emergency Medical Services~~ Department of Health maintains the right to conduct additional criminal history checks at the cost of the ~~division~~ department on applicants or Arkansas-licensed emergency medical services personnel under investigation for violation of current emergency medical services laws or rules.

SECTION 33. Arkansas Code § 20-13-1109 is amended to read as follows:

20-13-1109. Report and index – Forms – Database.

(a) The Identification Bureau of the Division of Arkansas State Police shall maintain an index of the results of each applicant's criminal history check.

(b) The ~~Division of Emergency Medical Services~~ Department of Health shall develop forms that are approved by the bureau to be used for criminal history checks conducted under this subchapter.

(c) The ~~Division of Emergency Services~~ department shall develop and maintain a database of determinations regarding applicants.

SECTION 34. Arkansas Code § 20-13-1111 is amended to read as follows:

20-13-1111. Notice of convictions.

Arkansas-licensed emergency medical services personnel shall notify the ~~Division of Emergency Medical Services~~ Department of Health of any conviction of or plea of guilty or nolo contendere to any offenses listed in § 20-13-1106(a) within ten (10) calendar days after the conviction or guilty plea or plea of nolo contendere.

SECTION 35. Arkansas Code § 20-13-1112 is amended to read as follows:

20-13-1112. Forms – Rules.

The Arkansas Crime Information Center, the Identification Bureau of the Division of Arkansas State Police, and the ~~Division of Emergency Medical Services~~ Department of Health shall cooperate to prepare forms and promulgate consistent rules as necessary to implement this subchapter.

SECTION 36. Arkansas Code § 20-13-1113 is amended to read as follows:

20-13-1113. Confidentiality.

(a) All criminal history checks obtained under this subchapter are

confidential and are restricted to the exclusive use of the Arkansas Crime Information Center, the Identification Bureau of the Division of Arkansas State Police, the ~~Division of Emergency Medical Services~~ Department of Health, and the person who is the subject of the report.

(b) The information contained in criminal history checks shall not be released or otherwise disclosed to any other person or agency except by court order and is specifically exempt from disclosure under the Freedom of Information Act of 1967, § 25-19-101 et seq., except that the ~~Division of Emergency Services~~ department shall furnish determinations to qualified entities.

SECTION 37. The introductory language of Arkansas Code § 20-13-1602(a), concerning community paramedic licensure, is amended to read as follows:

(a) To be eligible for licensure by the Department of Health ~~under the Division of Emergency Medical Services~~ as a community paramedic, an individual shall:

SECTION 38. Arkansas Code § 20-13-1603(a), concerning rules for the community paramedic licensure program, is amended to read as follows:

(a) The ~~Emergency Medical Services Advisory Council~~ and the State Board of Health shall adopt rules to implement this subchapter.

SECTION 39. Arkansas Code § 25-16-903(19), concerning stipend authorizations for certain state boards, is amended to read as follows:

(19) ~~Emergency Medical Services Advisory Council~~ Emergency Medical Services Advisory Committee;

SECTION 40. Arkansas Code § 25-43-802(a)(34), concerning the state entities transferred to the Department of Health, is repealed:

~~(34) The Emergency Medical Services Advisory Council, created under § 20-13-205;~~

/s/L. Johnson