

DHHS / OSMB Review
Permanent Rule Amendment without Substantial Economic Impact

Agency Proposing Rule Change

North Carolina Medical Care Commission

Contact Persons

Megan Lamphere, Rule Making Coordinator [DHSR} – (919) 855-3781

Donnie S. Sides, Operations Manager {DHSR/OEMS} – (919) 855-3964

Impact Summary:

State government:	Yes - minimal (estimated savings)
Local government:	No
Substantial impact:	No
Federal government:	No
Small businesses:	No
Individuals:	Yes – minimal (estimated savings)

Titles of Rule Changes and Statutory Citations

Note: No statutory changes were involved in the revision of these rules.

See proposed text of these rules in the Appendix

10A NCAC 13P

Section .0500 – EMS Personnel

Criminal Histories 10A NCAC 13P .0511 (Amend)

Authorizing Statutes

Gen. Stat. § 114-19.21

Gen. Stat. § 131E-159(g)

Gen. Stat. § 143-508(d)(3),(10)

Background

Under the authority of Gen. Stat. §143-509, the North Carolina Medical Care Commission (MCC) has the responsibility for the adoption of rules for the development of emergency medical and trauma services for the citizens of North Carolina. To ensure these rules are kept contemporary and stay in line with industry standards, the MCC routinely makes revisions to the Subchapter 13P, Emergency Medical Services and Trauma Rules, in collaboration with stakeholders, clients, state and local officials, and members of the general public. This set of rule amendments and adoptions is the result of these on-going efforts and when codified, will strengthen the emergency medical regulations keeping the citizens and visitors of North Carolina safe and provided with the best possible health treatment and care.

Summary of Revision and its Anticipated Fiscal Impact

As a result of improvements in technology, **Rule .0511** is being amended to address the allowance of live scan electronic fingerprinting for criminal history background checks. Also, this rule addresses the applicant's requirement to pay the Department of Justice (DOJ) processing fee prior to the issuance of the EMS credential. This fee is already being paid when the applicant uses fingerprint cards for the processing of the criminal history. Therefore, the only change is to require the payment to be received by the agency prior to the issuance of the credential. This change will eliminate the likelihood of issuance of a credential when the applicant is delinquent on payment of the DOJ fee.

Fiscal Impact - Agency

The OEMS has received a detailed list from the Department of Justice that reflects the North Carolina Law Enforcement agencies that have changed from paper card fingerprinting to electronic scan fingerprinting. The process for live scan fingerprinting is the same for card fingerprinting. The OEMS must send the person under criminal history review the necessary documentation authorizing the fingerprinting. This is sent once the person has paid to the OEMS the processing fee. This fee for the criminal history background check is paid to the SBI through the OEMS by the person under criminal history review. No funds are expended from the agency budget for the criminal history background check, nor are any funds retained by the OEMS for the collection of the criminal history information.

Since the OEMS must still mail authorization to the applicant for fingerprinting, there is no increase or reduction in either postage or the time it takes to process the applicant for fingerprinting. No fiscal change occurs to the OEMS by changing from the paper card to electronic fingerprinting.

Fiscal Impact – Department of Justice / SBI

There is no change in the process for fingerprinting resulting from this rule change. The fee charged pursuant to Gen. Stat. § 114-19.21 is the same for card fingerprints or live scan fingerprinting. However, the cost of providing the paper form will be virtually eliminated. This should result in an overall annual savings of a cost less than \$5, 000.00.

Fiscal Impact – Sheriff's Departments / Law Enforcement Agencies

There is no change in the process for fingerprinting resulting from this rule change. There is no substantial difference in the time it takes to conduct the fingerprinting using the paper form versus using the electronic scanning. The fee charged by the authorized law enforcement agency is the same for card fingerprints or live scan fingerprinting. Some law enforcement agencies provide a card copy from the live scan and provide this to the OEMS; however, this is not required nor is it a standard practice. These cards are filed in accordance with the agency's record retention schedule, even though the information provided by the SBI on the criminal history background check was based upon the live scan fingerprinting. The fee charged for conducting the fingerprinting is set by the law enforcement agency and is paid directly by the

person under criminal history review. The OEMS does not touch any of this money, as the transaction is handled between the individual and the law enforcement agency. Therefore, there is no fiscal impact to the Law Enforcement agencies in switching from using the paper form and using electronic scanning.

Fiscal Impact – Persons Subject to Criminal History Background Checks

The only change in cost to the individual is no longer paying for postage to send the completed paper form back to the OEMS for processing. There is no additional cost to the person subject to the criminal history background check. Whether card fingerprinting or live scan fingerprinting, all costs remain unchanged. The fiscal impact on the individual is a savings of a postage stamp. The total savings to all persons subject to the fingerprinting requirement is less than \$500.00 per year.

Fiscal Impact Summary

The aggregate financial impact of these proposed permanent rules changes on all persons and entities affected is negligible. The fiscal impact to the program reflects a savings of an estimated \$5,000.00 annually to the State and an annual savings of an estimated \$500.00 to all applicants combined. Therefore, the total program savings is estimated at \$5,500.00 annually.

10A NCAC 13P .0511 is proposed for amendment as follows:

10A NCAC 13P .0511 CRIMINAL HISTORIES

(a) The criminal background histories for all individuals who apply for EMS credentials, seek to renew EMS credentials, or hold EMS credentials shall be reviewed pursuant to G.S. 131E-159(g).

(b) In addition to Paragraph (a) of this Rule, the OEMS shall carry out the following for all EMS Personnel whose primary residence is outside North Carolina, individuals who have resided in North Carolina for 60 months or less, and individuals under investigation that may be subject to administrative enforcement action by the Department under the provisions of Rule .0701(e) of this Subchapter:

- (1) obtain a signed consent form for a criminal history check;
- (2) obtain fingerprints on an SBI identification ~~card; and~~ card or live scan electronic fingerprinting system at an agency approved by the North Carolina Department of Justice, State Bureau of Investigation;
- (3) obtain the criminal history from the Department of ~~Justice.~~ Justice; and
- (4) collect any processing fees from the individual identified in Paragraph (a) or (b) as required by the Department of Justice pursuant to G.S. 114-19.21 prior to conducting the criminal history background check.

(c) An individual is not eligible for initial or renewal of EMS credentials if the applicant refuses to consent to any criminal history check as defined in Rule .1508(19) and as required by G.S. 131E-159(g). Since payment is required before the fingerprints may be processed by the State Bureau of Investigation, failure of the applicant or credentialed EMS personnel to pay the required fee in advance shall be considered a refusal to consent as defined in Rule .1508(19) of this Subchapter for the purposes of issuance or retention of an EMS credential.

History Note: Authority G.S. 143-508(d)(3),(10); 131E-159(g); 114-19.21;
Eff. January 1, ~~2009.~~ 2009;
Amended Eff. July 1, 2012.