**South Carolina General Assembly**

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**S. 896**

**STATUS INFORMATION**

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Sponsors: Senator Shealy

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Currently residing in the Senate Committee on **Judiciary**

Summary: EMT Certificate and educational standards

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

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12/11/2019 Senate Referred to Committee on **Judiciary**

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**VERSIONS OF THIS BILL**

[12/11/2019](file:///p:\pprever\2019-20\896_20191211.docx)

**A** **BILL**

TO AMEND SECTION 23‑23‑40 OF THE 1976 CODE, RELATING TO THE LAW ENFORCEMENT TRAINING COUNCIL AND CRIMINAL JUSTICE ACADEMY, TO REQUIRE THAT THE COUNCIL DEVELOP MINIMUM STANDARDS AND PROMULGATE REGULATIONS FOR A MANDATORY MENTAL HEALTH TRAINING PROGRAM FOR LAW ENFORCEMENT CERTIFICATION; TO AMEND SECTION 23‑23‑55 OF THE 1976 CODE, RELATING TO CONTINUING LAW ENFORCEMENT EDUCATION CREDITS IN MENTAL HEALTH OR ADDICTIVE DISORDERS, TO MAKE CONFORMING CHANGES; AND TO AMEND SECTION 44‑61‑80 OF THE 1976 CODE, RELATING TO THE EMERGENCY MEDICAL TECHNICIAN CERTIFICATE AND RELATED EDUCATIONAL STANDARDS AND TRAINING, TO REQUIRE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL DEVELOP MINIMUM STANDARDS AND PROMULGATE REGULATIONS FOR A MANDATORY MENTAL HEALTH TRAINING PROGRAM FOR EMERGENCY MEDICAL TECHNICIAN CERTIFICATION.

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

SECTION 1. Section 23-23-40 of the 1976 Code is amended to read:

“Section 23-23-40. (A) No law enforcement officer employed or appointed ~~on or after July 1, 1989,~~ by any public law enforcement agency in this State is authorized to enforce the laws or ordinances of this State or any political subdivision thereof unless he has been certified as qualified by the council, except that any public law enforcement agency in this State may appoint or employ as a law enforcement officer, a person who is not certified if, within one year after the date of employment or appointment, the person secures certification from the council; provided, that if any public law enforcement agency employs or appoints as a law enforcement officer a person who is not certified, the person shall not perform any of the duties of a law enforcement officer involving the control or direction of members of the public or exercising the power of arrest until he has successfully completed a firearms qualification program approved by the council; and provided, further, that within three working days of employment, the academy must be notified by a public law enforcement agency that a person has been employed by that agency as a law enforcement officer, and within three working days of the notice the firearms qualification program as approved by the director must be provided to the newly hired personnel. If the firearms qualification program approved by the director is not available within three working days after receipt of the notice, then the public law enforcement agency making the request for the firearms qualification program may employ the person to perform any of the duties of a law enforcement officer, including those involving the control and direction of members of the public and exercising the powers of arrest. Should any such person fail to secure certification within one year from his date of employment, he may not perform any of the duties of a law enforcement officer involving control or direction of members of the public or exercising the power of arrest until he has been certified. He is not eligible for employment or appointment by any other agency in South Carolina as a law enforcement officer, nor is he eligible for any compensation by any law enforcement agency for services performed as an officer. Exceptions to the one‑year rule may be granted by the director in these cases:

(1) military leave or injury occurring during that first year which would preclude the receiving of training within the usual period of time; or

(2) in the event of the timely filing of application for training, which application, under circumstances of time and physical limitations, cannot be honored by the training academy within the prescribed period; or

(3) upon presentation of documentary evidence that the officer‑candidate has successfully completed equivalent training in one of the other states which by law regulate and supervise the quality of police training and which require a minimum basic or recruit course of duration and content at least equivalent to that provided in this chapter or by standards set by the council; or

(4) if it is determined by documentary evidence that the training will result in undue hardship to the requesting agency, the requesting agency must propose an alternate training schedule for approval.

(B) The council shall develop minimum standards and promulgate regulations for a mandatory mental health training program. The program will be administered by the academy as a part of the basic law enforcement training required for certification. The program must be designed to prepare officers for instances in which an individual could be experiencing a mental health or addictive disorder crisis. At a minimum, the program approved by the council must:

(1) provide a framework for identifying actions that are consistent with a mental illness or addictive disorder;

(2) define procedures and best practices for handling situations in which an individual could be experiencing a mental health or addictive disorder crisis;

(3) educate officers on the community resources and mental health facilities generally available; and

(4) account for a minimum portion of the certification curriculum, as determined by the council.

(C) Notwithstanding another provision of law, in the case of a candidate for certification who begins one or more periods of state or federal military service within one year after his date of employment or appointment, the period of time within which he must obtain the certification required to become a law enforcement officer is automatically extended for an additional period equal to the aggregate period of time the candidate performed active duty or active duty for training as a member of the National Guard, the State Guard, or a reserve component of the Armed Forces of the United States, plus ninety days. The director must take all necessary and proper action to ensure that a candidate for certification as a law enforcement officer who performs military service within one year of his employment or appointment is not prejudiced in obtaining certification as a result of having performed state or federal military service.”

SECTION 2. Section 23-23-55 of the 1976 Code is amended to read:

“Section 23-23-55. In addition to the mandatory mental health training program completed during certification pursuant to Section 23-23-40, a ~~A~~ law enforcement officer who is Class 1‑LE, Class 2‑LCO, or Class 3‑SLE certified in this State is required to complete Continuing Law Enforcement Education Credits (CLEEC) in mental health or addictive disorders over a three‑year recertification period. The number of required annual CLEEC hours in mental health or addictive disorders shall be determined by the council, but must be included in the forty CLEEC hours required over the three‑year recertification period. The training must be provided or approved by the academy and must include, but is not limited to, the following curriculum: crime scene response, crisis situation response in which an individual is experiencing a mental health or addictive disorder crisis, Fourth Amendment issues, incident report writing, determination of primary aggressors, dual arrests, victim and offender dynamics, victims’ resources, victims’ rights issues, interviewing techniques, mental health courts and mental health court programs, offender treatment programs, and recognition of special needs populations.”

SECTION 3. 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.

(C) The department shall develop minimum standards and promulgate regulations for a mandatory mental health training program. The program will be administered as part of the training required to obtain an emergency medical technician certificate. The program must be designed to prepare emergency medical technicians for instances in which an individual could be experiencing a mental health or addictive disorder crisis. At a minimum, the program approved by the department must:

(1) provide a framework for identifying actions that are consistent with a mental illness or addictive disorder;

(2) define procedures and best practices for handling situations in which an individual could be experiencing a mental health or addictive disorder crisis;

(3) educate emergency medical technicians on the community resources and mental health facilities generally available; and

(4) account for a minimum portion of the certification curriculum, as determined by the department.

(D) 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)~~(E)(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:

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

(b)~~(2)~~ 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;

(c)~~(3)~~ 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)~~(F) 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)~~(G)(1) The department may take enforcement action 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:

(a)~~(1)~~ 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;

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

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

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

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

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

(g)~~(7)~~ 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;

(h)~~(8)~~ 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;

(i)~~(9)~~ 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;

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

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

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

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

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

(o)~~(15)~~ 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;

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

(q)~~(17)~~ 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)~~(H) 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.”

SECTION 4. This act takes effect upon approval by the Governor.

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