A new law requires that NYS EMS Agencies check new applicants against the NYS Sex Offender Registry.

On November 14th, 2016, Governor Cuomo signed into law a bill (A030590B / S05542) that amended the Executive Law in relation to qualifications to serve as an Emergency Medical Technician (this includes all levels of certification as well as persons who may provide care or transportation to patients). This law takes effect one hundred twenty (120) days from that signing (March 14, 2017). In summary, the law requires that the Chief Officers of agencies operating ambulance services check the sex offender registry when first responders apply for membership in the organization. Also, applicants must be notified that their personally identifying information will be checked against the public records of those individuals required to register under article six-c (6-c) of the Correction Law (i.e. NYS Sex Offender Registry which is maintained by the NYS Division of Criminal Justice Services). The bill further requires that agencies must make eligibility for membership determinations consistent with Article 23-A of the Correction Law, and that a copy of that (Article 23-A) shall be provided to the applicant.

Agencies should also consider how they will document and maintain the record of when/who called/checked the registry and the result of the search.

Agencies may want to consider adding a notice similar to the sample below to their membership/employment application.

Sample -
Notice: EMS agencies in NYS are required by law (Executive Law Section 837-s) to check applicants (who may be involved in the care or transportation of patients) personally identifying information will be checked against the public records of those individuals required to register under article six-c (6-c) of the Correction Law (i.e. NYS Sex Offender Registry which is maintained by the NYS Division of Criminal Justice Services). The bill further requires that agencies must make eligibility for membership determinations consistent with Article 23-A of the Correction Law, and that a copy of that (Article 23-A) shall be provided to the applicant.

Attached are copies of the bill and Article 23a of the Correction Law.

NYS Division of Criminal Justice Services:
Phone #: 1-800-262-3257
Link to Public Registry of Sex Offenders:
http://www.criminaljustice.ny.gov/SomsSUBDirectory/search_index.jsp

This advisory contains general information. The information is not legal advice, and should not be treated as such. Agencies should consult their attorney or other professional legal services provider.