

ASSEMBLY CONCURRENT RESOLUTION No. 117

STATE OF NEW JERSEY

INTRODUCED MAY 12, 1997

By Assemblymen AUGUSTINE, BAGGER, *Imprevduto*,  
Assemblywoman Myers, Assemblyman Bucco,  
Assemblywoman Quigley and Assemblyman Carroll

1 A CONCURRENT RESOLUTION concerning legislative review of proposed  
2 Department of Health and Senior Services regulations pursuant to Article  
3 V, Section IV, paragraph 6 of the Constitution of the State of New Jersey.  
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5 BE IT RESOLVED by the General Assembly of the State of New Jersey  
6 (*the Senate concurring*):  
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8 1. Pursuant to Article V, Section IV, paragraph 6 of the Constitution of the  
9 State of New Jersey, the Legislature may review any rule or regulation of an  
10 administrative agency to determine if the rule or regulation is consistent with  
11 the intent of the Legislature as expressed in the language of the statute that the  
12 rule or regulation is intended to implement.  
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14 2. The Legislature enacted the "Emergency Medical Technician Training  
15 Fund Act," P.L.1992, c.143 (C.26:2K-54 et seq.) to establish a nonlapsing,  
16 revolving fund to reimburse private agencies, organizations and entities for the  
17 provision of training and testing for volunteer ambulance, first aid and rescue  
18 squad personnel who are seeking emergency medical technician-ambulance,  
19 or EMT-A, or emergency medical technician-defibrillation, or EMT-D,  
20 certification or recertification.  
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22 3. The Commissioner of Health and Senior Services has proposed  
23 regulations to be codified in chapter 41A of Title 8 of the New Jersey  
24 Administrative Code, at N.J.A.C.8:41A-1.1 et seq., which would establish  
25 standards for classroom layout, the method of training and curriculum content  
26 for EMT-A and EMT-D training, and would require that the entity which  
27 provides the EMT-A or EMT-D training provide training stipulated by the  
28 commissioner in order to be reimbursed.  
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30 4. The Legislature finds that N.J.A.C.8:41A-1.1 et seq., as proposed, is  
31 not consistent with the legislative intent of P.L.1992, c.143 (C.26:2K-54 et  
32 seq.), except for subsection b. which provides for reimbursement from the  
33 Emergency Medical Technician Training Fund, because P.L.1992, c.143 was

1 not intended to authorize the Commissioner of Health and Senior Services to  
2 adopt regulations affecting classroom layout or the method or content of  
3 EMT-A or EMT-D training. The requirement for certification of an agency,  
4 organization or entity by the commissioner pursuant to section 4 of P.L.1992,  
5 c.143 (C.26:2K-57) was intended to require the commissioner to certify to  
6 the State Treasurer, in the form of vouchers pursuant to section 3 of P.L.1992,  
7 c.143 (C.26:2K-56), that the training which was sought was actually  
8 provided, and not to mean that the commissioner had the power to determine  
9 standards for classroom layout, the method of training or curriculum content,  
10 which power was already granted by the Legislature to others pursuant to the  
11 "New Jersey Highway Traffic Safety Act of 1987," P.L.1987, c.284  
12 (C.27:5F-18 et seq.).

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14 5. The Secretary of the Senate and the Clerk of the General Assembly  
15 shall transmit a duly authenticated copy of this concurrent resolution to the  
16 Governor and the Commissioner of Health and Senior Services.

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18 6. The Commissioner of Health and Senior Services, pursuant to Article  
19 V, Section IV, paragraph 6 of the Constitution of the State of New Jersey,  
20 shall have 30 days following transmittal of this resolution to amend or withdraw  
21 the proposed regulations or the Legislature may, by passage of another  
22 concurrent resolution, exercise its authority under the Constitution to invalidate  
23 the regulations in whole or in part.

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#### STATEMENT

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28 This concurrent resolution embodies the finding of the Legislature that the  
29 regulations set forth at N.J.A.C.8:41A-1.1 et seq., as proposed by the  
30 Commissioner of Health and Senior Services, are not consistent with  
31 legislative intent pursuant to Article V, Section IV, paragraph 6 of the State  
32 Constitution.

33 The proposed regulations would establish standards for classroom layout,  
34 the method of training and curriculum content for the training of volunteer  
35 ambulance, first aid and rescue squad personnel who are seeking emergency  
36 medical technician-ambulance, or EMT-A, or emergency medical technician-  
37 defibrillation, or EMT-D, certification or recertification, pursuant to the  
38 "Emergency Medical Technician Training Fund Act," P.L.1992, c.143  
39 (C.26:2K-54 et seq.), and would require that the entity which provides the  
40 EMT-A or EMT-D training provide training stipulated by the commissioner  
41 in order to be reimbursed from the Emergency Medical Technician Training  
42 Fund.

43 The concurrent resolution finds that the proposed regulations are not

1 consistent with the legislative intent since the requirement for certification of an  
2 agency, organization or entity by the Commissioner of Health and Senior  
3 Services pursuant to section 4 of P.L.1992, c.143 (C.26:2K-57) was  
4 intended to require the commissioner to certify to the State Treasurer, in the  
5 form of vouchers pursuant to section 3 of P.L.1992, c.143 (C.26:2K-56), that  
6 the training which was sought was actually provided, and not to mean that the  
7 commissioner had the power to determine standards for classroom layout, the  
8 method of training or curriculum content, which power was already granted by  
9 the Legislature to others pursuant to the "New Jersey Highway Traffic Safety  
10 Act of 1987," P.L.1987, c.284 (C.27:5F-18 et seq.).

11 The Commissioner of Health and Senior Services shall have 30 days  
12 following transmittal of this resolution to amend or withdraw the proposed  
13 regulations or the Legislature may, by passage of another concurrent  
14 resolution, exercise its authority under the Constitution to invalidate the  
15 regulations in whole or in part.

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20 Determines that proposed Department of Health and Senior Services  
21 regulations concerning EMT training are not consistent with legislative intent.