

SENATE CONCURRENT RESOLUTION No. 121

STATE OF NEW JERSEY

INTRODUCED APRIL 17, 1997

By Senators SCOTT, SACCO, Ewing, Bark and Cafiero

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 Senate of the State of New Jersey (the General
6 Assembly 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
34 not intended to authorize the Commissioner of Health and Senior Services to
35 adopt regulations affecting classroom layout or the method or content of

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

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

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

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STATEMENT

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

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

41 The concurrent resolution finds that the proposed regulations are not
42 consistent with the legislative intent since the requirement for certification of an
43 agency, organization or entity by the Commissioner of Health and Senior

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

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

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