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JUSTICE BUILDING, LITTLE ROCK 72201

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OPINION NO. 85-172

July 31, 1985

Representative David R. Matthews
P. O. Box 38
Lowell, Arkansas 72745

Dear Rep. Matthews:

This is in response to your recent letter requesting opinions regarding paramedics, access to the NCIC computer, and service of process.

Your first question is as follows:

May a person licensed to a higher degree of medical training perform the functions of a lesser trained technician without a specific license for that? For example, could a person holding a valid certificate or license as a registered nurse function as a paramedic without that nurse being specifically licensed a paramedic?

Pursuant to Act 435 of 1975 the Emergency Medical Services Advisory Council is authorized to promulgate regulations subject to gubernatorial and legislative approval. Ark. Stat. Ann. §82-3405.2. The Emergency Medical Services Rules and Regulations expressly provide that a paramedic ambulance service have at least two individuals in a vehicle. Those individuals may include a licensed nurse. Section 3(c)(1)(d). Class 1A ambulance service requires that each vehicle be attended by two individuals and that a licensed nurse may be one of those two persons. Section 3(c)(2)(c). Class 1B ambulance service also provides that a licensed nurse may be one of the two individuals manning the ambulance on emergency call. Section 3(c)(3)(c). Accordingly, a licensed nurse may perform those services which that person may lawfully provide under his license issued by the Arkansas State Board of Nursing in an emergency services vehicle without being specifically licensed as a paramedic. However, there may be functions which a registered nurse would not be able to perform without obtaining a license as an emergency medical technician paramedic.

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Your next question is as follows:

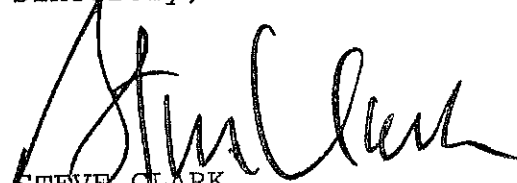
[W]hether or not a person authorized by the Court to serve process pursuant to orders of the Court ... be entitled to access to the NCIC computer for the purposes of finding vocations of individuals for whom he has papers.

Pursuant to Ark. Stat. Ann. §5-1102, the Arkansas Crime Information Center shall make criminal records available only to criminal justice agencies in their official capacity, to regulatory agencies with specific statutory authority of access, and to any person or his attorney who has reason to believe that a criminal history is being kept on him. It appears that a person serving process in a civil case would not fall within the scope of the Act to be entitled to access to the NCIC computer.

Your last question is whether a person authorized by the Court to serve process may also serve executions. Process is defined as a writ or summons issued in the course of judicial proceedings. Ark. Stat. Ann. §27-128. A writ of garnishment is a form of writ and a person appointed to serve process would apparently be empowered to serve a writ of execution.

This opinion, which I hereby approve, was prepared by Assistant Attorney General Thomas S. Gay.

Sincerely,


STEVE CLARK
Attorney General

JSC:TSG:jk