



COMMONWEALTH of VIRGINIA
Department of Health

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July 11, 2014

MEMORANDUM

TO: Virginia EMS Agencies

FROM: Michael D. Berg, BS, NRP
Manager, Regulation and Compliance
Office of Emergency Medical Services

SUBJECT: Criminal history checks, enacted ordinances – a clarification.

§15.2-1505.1 of the *Code of Virginia* (Code) permits localities to enact an ordinance that requires applicants upon offer of employment with the locality to submit fingerprinting for the purposes of obtaining criminal history record information regarding such applicant (<http://law.lis.virginia.gov/vacode/title15.2/chapter15/section15.2-1505.1/>). Several jurisdictions have enacted such an ordinance and are questioning the need/requirement to submit fingerprint cards to the Office of EMS (Office) for each person that applies to be a volunteer with or an employee of their EMS agency. The Office has sought guidance from its legal counsel from the Office of Attorney General (OAG) as well as consulted with the Virginia State Police (VSP) on this matter.

Although the *Code* does allow localities to enact an ordinance to require criminal background checks, it **does not** meet the requirements of § 32.1-115.E (<http://law.lis.virginia.gov/vacode/title32.1/chapter4/section32.1-111.5/>) which specifically requires the results of state and national criminal history record information to be forwarded to the Health Commissioner.

To be clear, EMS agencies that are submitting fingerprinting through the Central Criminal Records Exchange (CCRE) of the VSP to the FBI for the purposes of obtaining criminal history record information for each person that applies to be a volunteer with or an employee of their organization must also submit fingerprint cards to the Office of EMS (Criminal Background Unit).

The Office is actively working with VSP and our legal counsel at OAG to simplify the process within the confines of the law. These changes will require enhancements in computer technology, designation of entities that are eligible to receive criminal history record information and potential changes to language in the Code, and as such will take time to resolve.

If you have further questions or require additional information, please do not hesitate to contact Mr. Michael Berg at michael.berg@vdh.virginia.gov or Mr. Scott Winston, Assistant Director at scott.winston@vdh.virginia.gov.

Thank you for your patience and understanding in this matter.