

## **Criminal History and Background Checks on persons who apply to be a volunteer with or an employee of an licensed EMS agency in Virginia**

### **Policy**

Pursuant to § 32.1-111.5, each person who, on or after July 1, 2013, applies to be a volunteer with or employee of an emergency medical services (EMS) agency must submit fingerprints and provide personal descriptive information to be forwarded by the Office of EMS (Office) along with his fingerprints through the Central Criminal Records Exchange (CCRE) of the Virginia State Police to the Federal Bureau of Investigation, for the purpose of conducting a state and national criminal history check.

The CCRE shall forward the results of the state and national records search to the Office of EMS. It will be the responsibility of the Office of EMS, based on EMS Personnel requirements outlined in the EMS Regulations (12VAC5-31-910) to determine if each person is eligible for certification and/or affiliation with an EMS agency.

### **Purpose**

EMS practitioners, by virtue of their state certification have unsupervised, intimate, physical and emotional contact with patients at a time of maximum physical and emotional vulnerability, as well as unsupervised access to personal property. In this capacity, they are placed in a position of the highest public trust, even above that granted to other public safety professionals and most other health care providers.

Citizens in need of out-of-hospital medical services rely on the EMS System and the existence of state licensure/certification to assure that those who respond to their calls for aid are worthy of this extraordinary trust. In light of the high degree of trust conferred upon EMS personnel, the Office of EMS has a duty to exclude individuals who pose a risk to public health, safety and welfare by virtue of conviction of certain crimes.

#### **A. Screening Determinations**

- (1) The Regulation and Compliance Manager is designated by the State EMS Director to serve as the Security Officer (SO) for the Office. The Assistant Director and Human Resources Analyst shall also act in that capacity as needed.
- (2) The Security Officer for the Office or his designee shall review criminal history and background information and make a determination regarding the eligibility of an individual to be certified and/or affiliated with a licensed EMS agency. Eligibility for certification and affiliation with a licensed EMS agency shall be based on criteria referenced in 12VAC5-31-910 of the EMS Regulations pertaining to EMS Personnel requirements.
- (3) The criminal history and background check clearance is not a determination of suitability for a person who applies to be a volunteer with or employee of an EMS agency. The Department's criminal history and background check clearance means that an individual was found to have no disqualifying crime or relevant record. EMS agencies are responsible for determining the individual's suitability for application to be a volunteer with or employee of an EMS agency.

# Criminal History Record, Office of EMS Policy

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- (4) The Security Officer of the Office and other designated OEMS staff shall keep all information obtained pursuant to this policy confidential.
- (5) The Office of EMS shall provide to the Virginia State Police, the request for the criminal history background check, the fingerprints of the individual to be checked, any additional information required by the Virginia State Police.
- (6) If an applicant is denied service as a volunteer or employee of an EMS agency because of information appearing on his criminal history record and the applicant disputes or challenges the accuracy of the information upon which the denial was based, the CCRE shall, upon written request, furnish to the applicant the procedures for obtaining a copy of the criminal history record from the Federal Bureau of Investigation.
- (7) If an individual believes that the records received through the FBI are incorrect, the individual has fifteen (15) days from the receipt of the denial to correct the FBI records according to 28CFR Section 16.34 or other federal regulations.
- (8) Until the validity of the dispute is resolved to the satisfaction of the Office of EMS, no person shall become a volunteer member of or employee of an EMS agency.

## **B. Processing Criminal Background Investigation Material**

- (1) The Office of EMS will arrange to provide appropriately coded fingerprint cards to each designated regional EMS Council.
- (2) Persons who apply to be a volunteer with or employee of an EMS agency must complete the appropriate information and report to the nearest law enforcement office, or other authorized organization to be fingerprinted, using fingerprint cards supplied by the Office of EMS. Once the person's fingerprints are obtained, the fingerprint card may be forwarded to the Office of EMS for processing. The cost to run a state and national criminal background check will be paid for from funds set aside from the EMS Fund. However, the cost to obtain fingerprints is not covered by the Office of EMS.
- (3) Persons who fail or refuse to cooperate in obtaining criminal history records checks shall be denied volunteer membership or employment with an EMS agency.
- (4) The Office of EMS will initiate the appropriate investigation by sending the completed forms, fingerprint cards or Live Scan images and other required documents to the CCRE.
- (5) It is estimated it will take seven (7) to twelve (12) calendar days from the date the fingerprints are forwarded by OEMS to CCRE to receive a report of the results of the criminal history check.
- (6) The Office of EMS shall issue a determination of eligibility to the chief executive officer of the EMS agency for each person who applies to be a volunteer with or employee of an emergency medical services (EMS) agency.

- (7) Individuals who make application for volunteer membership or employment to more than one EMS agency are not required to submit additional fingerprint-based criminal history and background checks if application is made within sixty (60) days of the original request.
- (8) The Office of EMS will be billed via interagency transfer voucher by the CCRE on a monthly basis for the expenses incurred to complete the criminal history background investigations.
- (9) All reports of background investigations will be retained in the custody of the Security Officer in the Office of EMS. These records must be kept confidential and shall only be used for the authorized purposes for which they were obtained.
- (10) The Office of EMS maintains the right to conduct additional checks of records of other state agencies (i.e. Virginia Department of Motor Vehicles, Department of Health Professions, Sexual Offender Registry, etc.) and records at city and county courts on persons who apply to be a volunteer with or employee of an EMS agency.

## C. Control of Reports

- (1) Criminal history and background investigations will be completed only for the authorized purposes set forth in this policy. Such reports and contents thereof may be disseminated only to VDH officials with a valid need for access and shall be used only for the authorized purposes for which they were obtained.
- (2) The Office of EMS shall develop and maintain a database of determinations (eligible or not eligible) regarding persons who apply to be a volunteer with or employee of an EMS agency.
- (3) Such records shall be maintained securely and separately from all other records, in a confidential file in the Office of EMS. After the report has served the purpose for which it was obtained, it shall be destroyed according to the Virginia Records Retention Act.