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EMS Medical Director

Chief, Emergency Medical Services

I. INTENT:

To provide information and guidelines to Emergency Medical Technicians – I (EMT-I) applicants for initiating the process required to obtain Department of Justice (DOJ) and Federal Bureau of Investigation (FBI) criminal history background checks.

II. AUTHORITY:

- A. Health and Safety Code, Division 2.5, Sections 1797.200 and 1798.200.
- B. California Code of Regulations, Title 22, §100079(a)(6)(B), §100080(e)(3), and §100081.


III. POLICY:

- A. All individuals applying for an initial Sacramento County EMT-I certification must submit a Live Scan DOJ background check.
- B. Applicants for initial EMT-I certification or EMT-I recertification from a jurisdiction outside of Sacramento County who have **not** resided continuously in California for the past seven (7) years must request a FBI background check by indicating FBI level of service on the Live Scan form.
- C. All individuals applying for Sacramento County EMT-I recertification must submit a Live Scan DOJ background check and FBI background check (if applicable) when the basis for recertification is an EMT-I certification from any jurisdiction other than Sacramento County.
- D. Applicants who hold a valid California Emergency Medical Technician - Paramedic license and have received a background check initiated by the State Emergency Medical Services Authority are exempt from these requirements.

IV. PROCESS:

The background check process is a Live Scan electronic fingerprint submission sent to the DOJ who does the background check (including information from the FBI) and sends the results electronically to Sacramento County Emergency Medical Services (SCEMS).

- A. A Live Scan form and related instructions can be obtained at the SCEMS office, by mail, or from our website (<http://www.sacdhs.com/ems>).

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- B. Call a Live Scan agency to make an appointment and verify hours and payment method. Go to <http://ag.ca.gov/fingerprints/publications/contact.php> for a listing of Live Scan sites both inside and outside of Sacramento County.
- C. Complete the application. If using a printed form from the website, be sure to make two extra copies (one for SCEMS and one for you).
- D. Submit a copy of the Live Scan form signed by the Live Scan operator with the Automated Transaction Identifier (ATI) number.
- E. Because agencies cannot share Live Scan information, Live Scans done for other agencies will not be accepted by SCEMS.
- F. The Live Scan process provides background information on the applicant to SCEMS on an ongoing basis, including subsequent arrests.

V. BACKGROUND CHECK IN THE APPLICATION PROCESS:


Background check results that show no evidence of penal code transgression(s) will result in an EMT-I card being issued if all other applicable requirements are met. A background check that shows evidence of penal code transgression(s) will be reviewed and require the following action:

- A. The applicant must submit a copy of the final court docket of the infraction(s) and a letter of explanation providing SCEMS with the details of the infraction(s) either at the time the application is submitted or upon the request of SCEMS.
- B. Additional materials that may be submitted include letters of recommendations from current and past employers or instructors, and/or letters about the applicant's character.

VI. IF YOU HAVE A CONVICTION HISTORY:

Conviction of a crime does not necessarily mean that an applicant will be denied certification or recertification.

- A. SCEMS staff, along with the county legal department if appropriate, will review each individual case where the applicant has a criminal conviction. Decisions will be based on applicable state statutes and regulations, and a careful review of documentation.
- B. If an applicant is denied, he/she has the right to request a hearing. In addition to certification/ recertification actions, an EMT-1 certificate may be suspended or revoked based on criminal history information.

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VII. GUIDELINES FOR HANDLING OF SUBSEQUENT ARRESTS:

SCEMS is notified by the DOJ and FBI of any subsequent arrest(s) and conviction(s).


- A. SCEMS may investigate the arrest through the police departments and courts.
- B. If the offense is deemed severe, based on Section VIII below, SCEMS may suspend or revoke the EMT certification of an EMT certified through their agency.

VIII. GUIDELINES FOR DENIAL, SUSPENSION, OR REVOCATION OF EMT-1 CERTIFICATION AND RECERTIFICATION TO APPLICANTS WITH CRIMINAL HISTORIES:

A. SCEMS may deny, suspend, or revoke an EMT certification if any of the following apply to the applicant:

1. Has committed any sexually related offense specified under Section 290 of the Penal Code.
2. Has been convicted of murder, attempted murder, or murder for hire.
3. Has been convicted of two or more felonies.
4. Is on parole or probation for any felony.
5. Has been convicted and released from incarceration for said offense during the proceeding fifteen years for the crime of manslaughter or involuntary manslaughter.
6. Has been convicted and released from incarceration of said offense during the proceeding five years for any offense punishable as a felony.
7. Has been convicted of two misdemeanors within the previous five years relating to the use, sale, possession, or transportation of narcotics or dangerous drugs.
8. Has been convicted of two misdemeanors within the proceeding five years for any offense relating to force, violence, threat, or intimidation.
9. Has been convicted within the proceeding five years of any theft related misdemeanor.
10. Has committed any act involving fraud or intentional dishonesty for personal gain within the proceeding seven years.

B. SCEMS may deny, suspend, or revoke an EMT certification to an applicant with a criminal conviction for any offense not specifically referenced above, which is

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substantially related to the qualifications, functions, and duties of pre-hospital care personnel. The decision to certify/not certify, suspend, or revoke will be made by the Medical Director based on information received from the applicant, the background check, court proceedings, parole or probation departments or any other sources deemed appropriate.

C. SCEMS will use appropriate state statutes and regulations in assisting with these determinations, including but not limited to:

1. California Code of Regulations, Title 13, Chapter 5, Article 1, Section 1101.
2. California Code of Regulations, Title 22, Chapter 6.
3. California Health and Safety Code, Division 2.5, Chapter 7, Section 1798.200.
4. The most current version of the Emergency Medical Services Authority document "Recommended Guidelines for Disciplinary Orders and Conditions of Probation".


D. All applicants receiving a certification denial, suspension, or revocation related to a criminal conviction will be given information on the option to request an Investigative Review Panel hearing, as defined in "Emergency Medical Services Personnel Certification Review Process Guidelines" found in Chapter 6 of Division 9, Title 22 of the California Code of Regulations.

IX. GUIDELINES FOR REMOVING INDIVIDUALS FROM THE EMS AGENCY DOJ DATABASE:

Your Live Scan application will be purged from the Sacramento County EMS Live Scan database:

- A. If you apply for EMT certification and do not complete the process (next purge cycle, two years after your Live Scan completion date).
- B. If you are a certified Sacramento County EMT whose certificate has expired (next purge cycle, two years after your expiration date).

If you submit an application for certification at a later date, you will need to do another Live Scan.

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X. PRIVACY AND CONFIDENTIALITY:

Privacy and confidentiality of criminal history record information is the responsibility of SCEMS. Once a response is received from the DOJ or FBI we are obligated to destroy that information immediately once a decision is made on certification status. In addition, only preauthorized SCEMS staff is permitted to review this information. All material submitted is held in strict confidence.

CROSS REFERENCE: Certification/Accreditation Review Process, PD# 4050
 EMT-I Certification, PD #4100
 EMT-I Recertification, PD #4150