

Criminal History Reports – only for EMS providers?

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Recently, a local county attorney's office contacted the Office of EMS (OEMS) to request advice on how to handle a complaint they had received from one of their citizens. It seemed a local volunteer fire department, licensed as an EMS agency in Virginia had "voted in" a known and registered sex offender after his probation officer said he could be a firefighter. Within a week there were complaints of improper use of the stations internet services. These circumstances lead the local county attorney's office to contact OEMS. As defined within the Virginia Emergency Medical Services Regulations 12VAC5-31-910 Criminal or enforcement history, the gentleman in question was not eligible to be affiliated with the volunteer fire department. Once the department was notified, the person in question was immediately dismissed and security measures were implemented at the volunteer fire station.

This scenario is not unusual and unfortunately occurs more than most people want to admit. Agencies that are EMS only and fire department based EMS agencies must follow Virginia EMS Regulations when it comes to recruiting members that have been convicted of certain crimes.

The Virginia EMS Regulations are very clear that EMS agencies must request and receive a criminal history report on recruits and anyone affiliated with their agency. These reports must be no older than 60 days from the date the individual applies for membership with the organization. Under no circumstances should an EMS agency allow an applicant provide a copy of their own criminal history report. OEMS provides annual funding to the Virginia State Police (VSP) to conduct criminal history checks, free of charge for all volunteer EMS agencies. Requests for criminal history checks must be filed on the appropriate VSP form available on-line at (<http://www.vsp.state.va.us/FormsPublications.shtm#CriminalHistory>).

Once the criminal history report is received, the agency must document on official agency letterhead and signed by an authorized agent that the individual is eligible for affiliation and meets all EMS personnel requirements related to criminal history pursuant to 12VAC5-31-910. It is not recommended the agency place the criminal history report in the individual's personnel record. The agency may provide the report to the individual or destroy the document after it has been reviewed. This must be done for everyone affiliated with the organization, whether or not they are involved in patient care activities. "Affiliated is defined within the EMS Regulations, as a person who is employed by or a member of an EMS agency. (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+reg+12VAC5-31-10>).

For fire departments, the issue of criminal history reports can be complicated. If the fire department also holds a Virginia EMS agency license, then all members affiliated with the department must have a criminal history check completed. It makes no difference if the individuals are not involved in patient care activities – they are affiliated with the licensed agency and are subject to the same regulations.

The Office of EMS is happy to assist fire departments who also hold a Virginia EMS agency license meet Virginia EMS regulations. In the event there are any questions as to whether an individual is eligible for affiliation, the Office of EMS should be contacted (local OEMS Program Representative or the manager of Regulation and Compliance).