



New York State
Department of Health
Bureau of Emergency Medical Services

POLICY STATEMENT

Supersedes/Updates: 00-12, 02-02

No. 09-05

Date: June 1, 2009

Re: Certification for
Individuals with
Criminal Convictions

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Purpose:

This policy describes the process for the review of applicants seeking EMS certification with a history of criminal convictions. This policy also describes the responsibilities for the applicant, the Certified Instructor Coordinator (CIC) and the Department of Health.

Applications for Original EMS Certification or Recertification:

In accordance with the provisions of the State Emergency Medical Services (EMS) Code – 10 NYCRR Part 800; applicants for EMS certification or recertification must not have been convicted of certain misdemeanors or felonies. The Department will review **all** criminal convictions from any federal, military, state and/or local jurisdiction to determine if such convictions fall within the scope of those specified in Part 800, or to determine if the applicant for certification represents a potential risk or danger to patients or the public at large.

The regulation does not prevent an applicant with a criminal conviction from attending and completing all of the requirements of an EMS course. However, it may prevent the applicant from becoming certified in New York State until the Department has conducted a review and investigation of the circumstances of the conviction(s) and made a determination that the applicant does not demonstrate a risk or danger to patients. If the Department makes a determination allowing certification, the applicant will be eligible to take the NYS practical and written certification examinations, if otherwise qualified. **All applicants should be fully informed of these requirements by the CIC at the beginning of the course.**

Applicants will not be permitted to take the NYS practical or written certification examination until the background review and investigation is completed and a written determination is received by the applicant..

The Certification Application:

All applicants applying for NYS EMS certification at any level must complete the Application for Emergency Medical Services Certification (DOH-65). The bottom of the application contains an affirmation that states “do not sign this if you have any convictions”. ***Under no circumstances should an applicant sign this application if he or she has a criminal conviction of any type.***

The CIC must identify all unsigned applications and send them with the course memorandum and all other applications to the Department immediately after the second class session. The CIC should include a separate memorandum or note identifying each unsigned application. The applicant(s) will be listed on the class list but **will not** be issued an examination ticket until cleared in writing by Department. It is the responsibility of the applicant to understand this policy, gather the required documentation and provide it to the Department. An EMS representative from the Department will conduct an interview. This may take the form of a personal meeting or telephone interview. In an effort to permit a timely review and determination, the applicant must provide all the required documentation within 30 days of the initial Department contact. ***If the applicant does not provide the documentation, the investigatory review will be closed and the applicant will not be able to seek EMS certification.***

There is no need for the applicant to contact the Bureau of EMS (BEMS) directly. Upon the receipt and processing of the unsigned DOH-65 application form, the applicant will be sent a package of information outlining the investigative process, the required information to be supplied and the contact name and telephone number of the EMS representative.

The Department will only discuss issues related to criminal convictions with the applicant or their legal representative. **There is no requirement or need for the applicant to divulge or discuss the circumstances of any conviction(s) with the CIC.**

The Review Process:

All applicants entered in the review process will need to provide the following written documentation concerning **all convictions**. This information must be sent directly to the Department regional office as detailed in the letter sent to the applicant.

1. A notarized sworn affidavit stating that the applicant has not had any conviction (s) for a crime or crimes other than those currently identified.
2. If the applicant is recertifying and has signed previous certification applications, he/she must provide an explanation as to why these applications were signed.
3. A signed and dated statement describing the reason that they are seeking EMS certification.
4. A signed and dated written narrative description of the circumstances leading to and surrounding each conviction.
5. **An original or certified copy of the plea and sentence minutes, certificate of disposition** and the presentencing report (if available) from the court. A Certificate of Relief from Disabilities does not fulfill this documentation requirement. If any of these items are not available, an original letter from the court must be supplied attesting that the documentation does not exist or is no longer available. Please note that the applicant may be responsible for the cost of obtaining these documents.
6. A letter from the applicant's probation/parole officer (if applicable) documenting compliance with their probation/parole. A copy of the final probation/parole report must also be included.
7. If the applicant's conviction was related to alcohol, drugs or sexual abuse, a letter or report from the organization or individual who provided psychological counseling and/or therapy is required. The letter or report should indicate if therapy is ongoing or if it has been completed and whether or not it was considered to have been successful. The letter should also indicate that the counselor/therapist believes that the applicant is suitable to perform patient care in a prehospital setting.
8. The applicant is required to submit letters from the administration of each EMS agency with whom they are affiliated. These letters must be on official letterhead and presented to the Department EMS representative in a **sealed and signed** envelope. These letters must describe any involvement in EMS or other health care settings, the length of the affiliation with the agency, **an awareness of the specific conviction(s), the circumstances and the agency's willingness to monitor the individual during the performance of his/her EMS duties.**
9. The applicant must submit other letters of recommendation. These letters must also be presented to the EMS investigator in a **sealed and signed** envelope. These recommendations must include a description of the relationship with the applicant, have knowledge of the conviction, an understanding of the EMS environment, and can attest to the applicant's good character. The letters may include, but not be limited to:
 - a. current employers;
 - b. health care professionals;
 - c. community leaders (ie clergy, law enforcement or educators)
10. Each applicant will have a personal interview with a Department EMS representative **after all the documentation requirements have been met**. A telephone interview may be conducted in the place of a personal meeting. Upon completion of the investigation and review, the applicant will be notified in writing of the Department's decision.

While the investigation and review is ongoing, an applicant may attend all classes. However, the applicant will be prevented from taking any NYS certifying examination, including the challenge practical skills examination at the beginning of the refresher program, the practical examination at the conclusion of the training program and the final written certification examination, until all course requirements are completed and a favorable determination is made in writing by the Department.

Applicants possessing current NYS EMS certification will be afforded a hearing in accordance with the provisions of Section 12-a of the Public Health Law if the Department seeks suspension, revocation or any other legal action.