

EMT Certification of Individuals with Criminal Conviction History

As a Local EMS Agency (LEMSA) and certifying entity, Coastal Valleys EMS Agency must adhere to the relevant State of California regulations governing the certification of EMTs. Part of the certification process entails a complete criminal history background check through the California Department of Justice and FBI. Applicant conviction and incarceration history must be reviewed and evaluated for certification eligibility based on state standards prior to certification.

The following excerpts from the California Code of Regulations (CCR) Title 22, Social Security Division 9 (Prehospital Emergency Medical Services Chapter 6, Process for EMT and Advanced EMT Disciplinary Action) deal with this issue.

Section 100214.3 details those criminal convictions for which the EMS Agency **must** deny (or revoke) EMT certification. The section language requires the Local EMS Agency Medical Director act in accordance with the regulations as stated. The EMS Agency cannot certify individuals with criminal history consistent with the section.

§ 100214.3. Denial or Revocation of a Certificate.

(a) A certifying entity, that is not a LEMSA, shall advise a certification or recertification applicant whose conduct indicates a potential for disciplinary cause, based on an investigation by the certifying entity prompted by a DOJ and/or FBI CORI, pursuant to Section 100210(a) of this Chapter, to apply to a LEMSA for certification or recertification.

(b) The medical director may deny or revoke any EMT or Advanced EMT certificate for disciplinary cause that have been investigated and verified by application of this Chapter.

(c) The medical director shall deny or revoke an EMT or Advanced EMT certificate 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 (2) 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 preceding fifteen (15) years for the crime of manslaughter or involuntary manslaughter.
- (6) Has been convicted and released from incarceration for said offense during the preceding ten (10) years for any offense punishable as a felony.
- (7) Has been convicted of two (2) or more misdemeanors within the preceding five (5) years for any offense relating to the use, sale, possession, or transportation of narcotics or addictive or dangerous drugs.
- (8) Has been convicted of two (2) or more misdemeanors within the preceding five (5) years for any offense relating to force, threat, violence, or intimidation.
- (9) Has been convicted within the preceding five (5) years of any theft related misdemeanor.

(d) The medical director may deny or revoke an EMT or Advanced EMT certificate if any of the following apply to the applicant:

- (1) Has committed any act involving fraud or intentional dishonesty for personal gain within the preceding seven (7) years.
- (2) Is required to register pursuant to Section 11590 of the Health and Safety Code.

The next excerpt details convictions that are exempt from consideration. **All other convictions**, even those considered “expunged” are considered as part of the applicant’s record for the purposes of EMT certification.

(e) Subsection (a) and (b) shall not apply to convictions that have been pardoned by the Governor, and shall only apply to convictions where the applicant/certificate holder was prosecuted as an adult. Equivalent convictions from other states shall apply to the type of offenses listed in (c) and (d). As used in this Section, “felony” or “offense punishable as a felony” refers to an offense for which the law prescribes imprisonment in the state prison as either an alternative or the sole penalty, regardless of the sentence the particular defendant received.

(f) This Section shall not apply to those EMT’s, or EMT-IIs who obtain their California certificate prior to the effective date of this Section; unless:

- (1) The certificate holder is convicted of any misdemeanor or felony after the effective date of this Section.
- (2) The certificate holder committed any sexually related offense specified under Section 290 of the Penal Code.
- (3) The certificate holder failed to disclose to the certifying entity any prior convictions when completing his/her application for initial EMT or Advanced EMT certification or certification renewal.

The entire text of the regulations is available at the State of California EMS Authority website, www.emsa.ca.gov

Applicants with potentially disqualifying criminal history are strongly encouraged to fully research the regulations and consult with the EMS Agency prior to applying for certification.

Minor offenses may result in a probationary certification rather than a denial if sufficient time has elapsed since the conviction. As noted in the full text of the regulations, offenses not requiring a denial by statute or regulation may be handled by the EMSA Model Disciplinary Standards. That document is available for review at the EMS Authority website, www.emsa.ca.gov

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