

## Criminal Record Check for Credentialing

**PURPOSE:** As authorized by § 64 CSR 48-6.3.6, 6.5.3, 6.7.1.g, 7.1.10, and 7.1.11; W. Code 16-4C-8.e; and West Virginia Office of Emergency Medical Services (WVOEMS) Policies any applicant who applies for West Virginia initial, credential recognition, or reinstatement, two years or greater, certification is subject to a criminal background review by WVOEMS. In accordance with § 64 CSR 48-7.8.1 it is the intention of WVOEMS to safeguard the residents of West Virginia by preventing any person who may be unfit or unqualified from engaging in emergency medical services and to safeguard the interests of emergency medical services personnel by affording them due process of law and an opportunity for fair notice and a meaningful hearing.

**PROCEDURE:** Determination of eligibility for credentialing will entail applicant applying for West Virginia initial, credential recognition, or reinstatement two years or greater certification to complete a West Virginia Electronic Certification (ECERT) application and submitting to a WVOEMS approved criminal background check. WVOEMS criminal background checks must be completed by any individual seeking initial, credential recognition or reinstatement over two years in accordance with, § 64 CSR 48-6.3. "An applicant for Emergency Medical Dispatcher, Emergency Medical Responder, Emergency Medical Technician, Advanced Emergency Medical Technician, Paramedic, Mobile Critical Care Paramedic, or Mobile Critical Care Nurse as well as § 64 CSR 48-6.7 Emergency Medical Vehicle Operator certification, this includes the following individuals:

1. Federal, State, Local, County Law Enforcement
2. Fire Fighter
3. Military Personnel or
4. Individuals that hold any state or out of state healthcare certification/licensure

A. **Requirements:** When determining eligibility for a WVOEMS certification that requires a criminal background review, WVOEMS and the Investigation Committee (IC) will consider the applicant's criminal background. The WVOEMS and IC can consider mitigating circumstances when evaluating an applicant's criminal background. The following mitigating circumstances can include, but not limited to, the following factors:

1. The Level and seriousness of the crime(s)
2. The date of the crime(s)
3. The age of the person at the time of the crime(s)

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4. The circumstances surrounding the commission of the crime, if known
  5. Any related connection(s) between the criminal conduct and the prospective duties of the applicant as a prehospital provider
  6. The prison, jail, probation, parole, and or employment records of the applicant since the date the crime was committed
  7. The completion of participation in rehabilitative drug or alcohol treatment
  8. The subsequent commission of the crime or other crime(s) by the applicant may consider affidavits or other written documents, including character references
- B. Credential Recognition Candidates (Third Party Background Checks)** In the event that the WVOEMS official background check results have not been received upon the candidate completing the remainder of the requirements listed in the WVOEMS Credential Recognition Policy, WVOEMS will issue a 120-day temporary certification based on results from a third-party preliminary state and national criminal background check service.

Third party background checks shall be directly submitted to WVOEMS. Background checks will not be accepted directly from the respective squad but instead through the agency performing the background check.

In the event that a temporary 120-day card is issued based on a third party background check, it is subject to revocation at any time should the WVOEMS official background check reveal information that would exclude the individual from legal recognition. Upon the WVOEMS issuing a permanent certification card, the temporary card is null and void.

**C. E-Applicant Arrests, Convictions, and Sanctions Notice**

1. **Initial, Credential Recognition, and Reinstatement over two years:** this does not constitute an immediate WVOEMS investigation. Certification Unit should notify the Investigations Unit to determine with criminal background check if an investigation it to be initiated. Some individuals will self-report on their application but be cleared or no action taken based on the criminal background check.
2. **Recertification and Reinstatement under two years:** these individuals will be looked into by the Investigation Unit to determine if an investigation is required.

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### D. WVOEMS Procedures for Processing Criminal Background Checks

1. Applicant's ECERT is received by WVOEMS
2. Receive EZPath Email notifying that candidates background is ready for viewing. **WVOEMS does not determine how soon the vendor completes this process and reports the findings to West Virginia State Police.**
3. Investigation Unit and/or Certification Unit checks the West Virginia State Police (WVSP) portal for applicant's criminal background results:
  - i. **No Hit** -- no further action required and processing of applicant's certification proceeds
  - ii. **Positive Hit** – The Certification Unit is to email the Investigation Unit to initiate an investigation per WVOEMS Investigation Procedure Manual and/or the
  - iii. Upon the Investigator's completion of fact-finding, will complete an Investigator Final Investigation Finding Report and submit to the IC for review
  - iv. IC will review and either:
    1. Request more information from the Investigator
    2. Clear the applicant for certification; or
    3. Deny the applicant for certification
  - v. Investigation Unit is responsible for clearing an applicant within the ECERT and sending a Clearance Letter to the Certification Unit to place in the applicant's files following all Department of Justice Policies related to the type of information permitted in such a Clearance Letter.

- E. **Denial of Applicant** -- It is the intention of WVOEMS to safeguard the residents of West Virginia by preventing any person who may be unfit or unqualified from engaging in emergency medical services and not providing such individuals with the privilege to practice within West Virginia. Pursuant to § 64 CSR 48-7.8.2 individuals adversely affected by the enforcement of being denied certification and desiring a contested case hearing to determine any rights, duties, interests or privileges shall do so in a manner prescribed in the West Virginia Bureau for Public Health Rule 64 CSR 1, "Rules of Procedure for Contested Case Hearing and Declaratory Rulings," and the provisions of § 64 CSR 48. The procedures for hearing, rights of appeal, judicial review apply as set forth in W. V. Code 16-4C-10

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- F. **Previously Denied Applicant Reapplying for WVOEMS Certification** – An applicant may reapply for a review of their certification denial once every year by contacting the Investigation Unit. The Investigation unit will provide that request to the IC. The reapplications process includes, but not limited to, a review of the applicant's criminal background information and IC summary. If the IC reconsiders, the applicant will be informed and a new ECERT application and all fees are to be paid.