



New York State
Department of Health
Bureau of Emergency Medical Services

POLICY STATEMENT

Supersedes/Updates: 00-12

No. 02-02

Date: 5/01/02

**Re: Certification for
Individuals with Criminal
Convictions**

Page 1 of 2

Purpose:

This policy describes the process for the review of criminal convictions for candidates seeking EMS certification. In addition, it describes the responsibilities for the candidate, the certified instructor coordinator (CIC) and the Department.

Applications for Original Certification or Recertification:

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

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

Candidates **will not** be permitted to take the NYS practical or written certification examination until the background review and investigation is completed and a determination is made.

The Certification Application:

All candidates applying for NYS EMS certification at any level must complete the Application for Emergency Medical Services Certification (DOH-65). The application contains an affirmation that the candidate must sign. ***Under no circumstances should a candidate 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 DOH immediately after the second class session. The CIC should include a memo or note identifying each unsigned application to DOH. The candidate(s) will be listed on the class list but **will not** be issued an examination ticket until cleared in writing by DOH. In an effort to permit a timely review and determination, the candidate must provide the DOH with all the required documentation within 30 days of the initial DOH contact.

There is no need for the applicant to contact the Bureau of EMS (BEMS) directly. Upon the Bureaus' receipt and processing of the unsigned application, the candidate will be sent a package of information outlining the investigative process and the required information to be supplied.

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

The Review Process:

All candidates entered in the review process will need to provide the following written documentation concerning **all convictions**. This information will be sent directly to the DOH investigator:

1. A notarized sworn affidavit stating that the candidate has not had any conviction (s) for a crime or crimes other than the one(s) identified.
2. If the candidate is recertifying and has signed previous certification applications, he/she must provide an explanation as to why they signed these applications.
3. A signed and dated statement describing why they are seeking EMS certification.
4. A signed and dated narrative description of the circumstances leading to each conviction.
5. **An original or certified copy of the plea and sentence minutes, certificate of disposition** and the pre-sentencing report (if available) from the court (The 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 to this.
6. A letter from the candidate's probation/parole officer (if applicable) documenting compliance with their probation/parole. A copy of the final probation/parole report should also be included.
7. If the candidate's conviction was related to alcohol, drugs, or sexual abuse, a letter or report from the organization or individual who provided any 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 successful.
8. The candidate is required to submit letters from the administration of each EMS agency they are affiliated with. These letters must be on official letterhead and presented to the DOH EMS investigator in a **sealed and signed** envelope. These letters must describe any involvement in EMS or other health care settings **and an awareness of the conviction(s)**.
9. The candidate may submit other letters of recommendation from current employers, health care professionals, or other community leaders who know the candidate and can attest to their current behavior. These letters must also be presented to the DOH EMS investigator in a **sealed and signed** envelope.

Each candidate will have a personal interview with an EMS investigator from the regional office only after all the documentation requirements have been met.

Upon completion of the investigation and review, the candidate will be notified in writing of the DOH's decision.

While the investigation is ongoing, a candidate may attend all classes. The applicant will be prevented from taking the final practical and final written certification examination until all course requirements are completed and a determination is made in writing by DOH about their specific conviction(s).

Candidates 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 action.