

EMERGENCY MEDICAL SERVICES AUTHORITY

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DATE: April 12, 2010
TO: EMT Certifying Entities
FROM: Sean Trask, Manager *ST*
Personnel Standards Unit

SUBJECT: FORM TO “GRANDFATHER” INDIVIDUALS INTO THE CRIMINAL BACKGROUND CHECK SYSTEM

The purpose of this memorandum is to introduce the GOVERNMENTAL EMS PROVIDER CRIMINAL OFFENDER RECORD INFORMATION VERIFICATION FORM (Form) and recommend its use as a tool to be used by EMT certifying entities to verify if EMTs meet the criteria for “grandfathering” into the criminal background check system. The “grandfathering” criteria is explained later in this memorandum.

This form would be used by an employer who obtained a criminal background check to verify with the EMT’s certifying entity that the EMT obtained a state level criminal background check with subsequent arrest notification and is not precluded from EMT certification.

The most common scenario where this form would be used is for EMTs employed by a fire department who received a criminal background check by their fire department and who were certified by a local EMS agency. In this case the local EMS agency did not require a criminal background check. The Form would be completed and signed by the fire department representative and forwarded to the local EMS agency. The local EMS agency would then update each EMT’s certification record to indicate if the EMT met the “grandfathering” into the criminal background check system criteria.

This form would not be used if the local EMS agency or other certifying entity obtained a criminal background check that meets the “grandfathering” criteria and issued the EMT certification. In this scenario, the certifying entity would indicate which individuals met the conditions for “grandfathering” in each EMTs certification record. The certifying entity would submit their certification data along with a signed letter to the EMS Authority certifying that the EMT certification records that indicate the individuals who met the conditions for “grandfathering” actually met all the conditions for “grandfathering” into the criminal background check system. Sample language for this letter is provided to accompany the certification data that will be submitted to the EMS Authority for upload into the central registry.

By June 25, 2010 all certifying entities will upload their EMT certification data into the central registry. This data will need to include which EMTs met the “grandfathering” criteria and which EMTs did not. In order to meet the June 25, 2010 timeline, employers should complete this form and submit it to the appropriate certifying entity by

June 1, 2010. The exception to this requirement is for those individuals certified by the Office of the State Fire Marshal. The EMS Authority has created a separate process for EMTs certified by the Office of the State Fire Marshal and who meet the "grandfathering" criteria.

EMTs who were not entered into the EMT central registry data as meeting the "grandfathering" criteria will need to obtain a criminal background check upon recertification after July 1, 2010.

Grandfathering Criteria

For the purposes of this memorandum, "grandfathering" into the criminal background check system means:

1. The individual must have had a state level (meaning California Department of Justice) criminal background check prior to July 1, 2010 for the purposes of employment, or EMT, or EMT-II certification.
2. The agency receiving these background checks must also receive subsequent arrest notifications on those individuals from the Department of Justice.
3. The agency that required this background check must certify that the individual has had this background check, and that the agency receives subsequent arrest notifications on these individuals, and that the individual is not precluded from EMT certification based on the following:
 - (a.) Has not committed any sexually related offense specified under Section 290 of the Penal Code.
 - (b.) Has not been convicted of murder, attempted murder, or murder for hire.
 - (c.) Has not been convicted of two (2) or more felonies.
 - (d.) Is not currently on parole or probation for any felony.
 - (e.) Has been convicted and released from incarceration for said offense during the preceding fifteen (15) years for the crime of manslaughter or involuntary manslaughter.
 - (f.) Has been convicted and released from incarceration for said offense during the preceding ten (10) years for any offense punishable as a felony.
 - (g.) 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.
 - (h.) 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.
 - (i.) Has been convicted within the preceding five (5) years of any theft related misdemeanor.

If you have any questions, please Adam Morrill at (916) 322 – 4336, extension 436 or by email at adam.morrill@emsa.ca.gov.