

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
**D E P A R T M E N T O F H E A L T H**



*Safe and Healthy Lives in Safe and Healthy Communities*

DIVISION OF EMERGENCY MEDICAL SERVICES

EMT LICENSURE - CRIMINAL CONVICTIONS GUIDELINES

**PREAMBLE**

EMS practitioners, by virtue of their state licensure, have unsupervised, intimate, physical and emotional contact with patients at a time of maximum physical and emotional vulnerability, as well as unsupervised access to personal property. In this capacity, they are placed in a position of the highest public trust whereby EMTs are afforded free access to the homes and intimate body parts of patients who are extremely vulnerable, and who may be unable to defend or protect themselves, voice objections to particular actions, or provide accurate accounts of events at a later time.

Persons in need of out-of-hospital medical services rely on the EMS system and the existence of state licensure to assure that those who respond to their calls for aid are worthy of this extraordinary trust. In light of the high degree of trust conferred upon EMTs by virtue of licensure, EMTs should be held to a high standard. For these reasons, the Division of Emergency Medical Services has a duty to exclude individuals who pose a risk to public health and safety by virtue of conviction of certain crimes. For the purpose of these guidelines, convictions shall include nolo-contendere pleas followed by probation. Further, these guidelines are limited to criminal convictions and shall not restrict the authority of the Director to discipline a licensee for other causes as set forth in Section 15:0 of the Rules and Regulations Relating to Emergency Medical Services (R23.4.1-EMS), including violations of Federal, State or Local laws.

**GENERAL DENIAL**

Licensure of individuals convicted of certain crimes presents an unreasonable risk to public health and safety. Thus, applications for licensure by individuals convicted of the following crimes will be denied in all cases unless the individual requests a hearing and can establish by clear and convincing evidence to the satisfaction of the Hearing Officer or any other appropriate person charged with rendering a decision, that he/she has been rehabilitated and poses no threat to the health, safety and welfare of the public.

1. Felonies involving sexual misconduct where the victim's failure to affirmatively consent is an element of the crime, such as forcible sexual assault.
2. Felonies involving the sexual, physical or mental abuse of children, the elderly or infirm, such as sexual misconduct with a child, making or distributing child pornography or using a child in a sexual display, incest involving a child, assault on an elderly or infirm person.
3. Any crime in which the victim is an out-of-hospital patient or a patient or resident of a health care facility including abuse, neglect, theft from, or financial exploitation of a person entrusted to the care or protection of the applicant.

#### **PRESUMPTIVE DENIAL**

Applications for licensure by individuals in the following categories will be denied except in extraordinary circumstances, and then will be granted only if the applicant establishes by clear and convincing evidence that licensure will not jeopardize public health and safety.

1. Applications for licensure by individuals who have been convicted of any crime and who are currently incarcerated, on work release, on probation or on parole.
2. Applications for licensure by individuals convicted of crimes in the following categories unless at least five years have passed since the conviction or five years have passed since release from custodial confinement whichever occurs later:
  - a. Serious crimes of violence against persons, such as assault or battery with a dangerous weapon, aggravated assault and battery, murder or attempted murder, manslaughter (except involuntary manslaughter) kidnapping, robbery of any degree; or arson;
  - b. Crimes involving controlled substances or synthetics, including unlawful possession or distribution, or intent to distribute unlawfully, Schedule I through V drugs as defined by the Uniform Controlled Substances Act;
  - c. Serious crimes against property, such as grand larceny, burglary, embezzlement or insurance fraud.
  - d. Any other crime which involves sexual misconduct.

## DISCRETIONARY DENIAL

Applications for licensure by individuals convicted of any crimes including driving under the influence (DUI), but not including minor traffic violations may be denied after consideration of the following factors:

1. The seriousness of the crime.
2. Whether the crime relates directly to the skills of prehospital care service and the delivery of patient care.
3. How much time has elapsed since the crime was committed.
4. Whether the crime involved violence to or abuse of another person.
5. Whether the crime involved a minor or a person of diminished capacity.
6. Whether the applicant's actions and conduct since the crime occurred are consistent with the holding of a position of public trust.

## IMPLEMENTATION

The Division of Emergency Medical Services requires applicants for licensure and relicensure to complete a statement concerning any history of criminal convictions when applying for licensure. Persons who have been convicted of a violation of federal, state or local law are required to submit to the Division of Emergency Medical Services specific court related documents including a certified copy of the court Judgement and Disposition Form, Parole Certificates and other such information as may be deemed necessary to evaluate this matter. Applications with convictions related to alcohol and/or substance abuse will be required to submit evidence of a clinical professional evaluation regarding their current rehabilitation status. Documentation should be submitted by an appropriate health professional. Accordingly, each case is reviewed on an individual basis which may include a meeting between the applicant and the Department of Health.

In the event the Department denies or revokes an EMT license, Section 15.2 of the Rules and Regulations Relating to Emergency Medical Services (R23-4.1-EMS) allows that an appeal from a decision of the Director of Health may be taken pursuant to the provisions of Chapter 42-35 of the General Laws of Rhode Island, as amended, and the rules governing practices and procedures as contained in Section 17.0 of the regulations.

When an individual moves to a new state and that state requests verification of Rhode Island EMT licensure, the Division

of Emergency Medical Services will notify the requesting state of the existence of any formal disciplinary action for that individual which is contained in the Division of Emergency Medical Services data bank.

February 1996