

Criminal History Record Verification, Disqualifying Factors

Virginia Office of EMS
Division of Regulation and
Compliance
1041 Technology Park Drive
Glen Allen, VA 23059
804-888-9100

12VAC5-31-910. Criminal or enforcement history.

A. General denial. Application for affiliation or certification of individuals convicted of certain crimes present an unreasonable risk to public health and safety. Thus, applications for affiliation or certification by individuals convicted of the following crimes will be denied in all cases:

1. Felonies involving sexual misconduct where the victim's failure to affirmatively consent is an element of the crime, such as forcible rape.
2. Felonies involving the sexual or physical abuse of children, the elderly or the 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, or 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 healthcare facility including abuse of, neglect of, theft from, or financial exploitation of a person entrusted to the care or protection of the applicant.
4. 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.
5. Has been subject to a permanent revocation of license or certification by another state EMS office or other recognized state or national healthcare provider licensing or certifying body.

B. Presumptive denial. Application for affiliation or current certification by individuals in the following categories will be denied except in extraordinary circumstances, and then will be granted only if the applicant or provider establishes by clear and convincing evidence that certification will not jeopardize public health and safety.

1. Application for affiliation or certification by individuals who have been convicted of any crime and who are currently incarcerated, on work release, on probation, or on parole.
2. Application for affiliation or certification 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. 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 Virginia Drug Control Act (§ [54.1-3400](#) seq. of the Code of Virginia).
 - b. Serious crimes against property, such as grand larceny, burglary, embezzlement, or insurance fraud.
 - c. Any other crime involving sexual misconduct.

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3. Is currently under any disciplinary or enforcement action from another state EMS office or other recognized state or national healthcare provider licensing or certifying body. Personnel subject to these disciplinary or enforcement actions may be eligible for certification provided there have been no further disciplinary or enforcement actions for five years prior to application for certification in Virginia.
- D. All references to criminal acts or convictions under this section refer to substantially similar laws or regulations of any other state or the United States. Convictions include prior adult convictions, juvenile convictions, and adjudications of delinquency based on an offense that would have been, at the time of conviction, a felony conviction if committed by an adult within or outside Virginia.

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+reg+12VAC5-31-910>.

Nothing in the above EMS Regulations precludes an EMS agency from imposing additional disqualifying factors as part of their acceptance process.