

Criminal History Record Verification, Frequently Asked Questions (FAQ's) - 2020

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

1. Q: We have a junior squad (16-18 year olds) – do they need to have background checks?

A: **Yes**, the Code of Virginia language does not delineate age requirements that individuals must submit to a fingerprint based background check. All prospective members to your junior squad must submit to a fingerprint background check.

2. Q: We are a fire-based organization. We have individuals who are joining that have no intent of providing any emergency medical care – Are they required to have a background check?

A: **Yes**, as per the Code of Virginia language, if a person is applying for membership or affiliation to an EMS agency, and the fire department holds an EMS agency license, then they must submit to a fingerprint background check.

3. Q: Is this new fingerprint process retroactive – do all members need to do this now?

A: **No**, although legislation was passed and effective on January 1, 2003 requiring EMS agencies to complete criminal background checks; then revised on July 1, 2014 requiring the Office of EMS to complete “fingerprint” based FBI background checks on all members joining an EMS agency. This is simply a new process for submitting fingerprints via FieldPrintVirginia that begins on January 1, 2020. - It is not retroactive.

**** Only members who joined your agency PRIOR to January 1, 2003 are EXEMPT from having an OEMS eligibility status letter in their EMS agency personnel file.****

4. Q: We have prospective members/employees who have certain security clearances for their work (military, federal government, etc.), do they need to have the fingerprint background check?

A: **Yes**, Virginia Administrative Code, requires the Virginia Office of EMS to complete a fingerprint based background check for any individual joining or affiliating with a Virginia OEMS licensed EMS agency.

5. Q: We have additional exclusionary criteria we use for membership/employment – can you indicate if there is a criminal record or share the background check with the agency?

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A: **No**, Per the Virginia State Police, we are not able to indicate if the applicant has a “criminal history record” and we cannot share the background check information – we can only indicate eligibility for EMS agency affiliation/certification.

6. Q: If there is not a FieldPrint office close enough or the hours of the FieldPrint office do not work for the applicant; is there an alternative FieldPrint option to submit fingerprints?

A: **Yes**, should a FieldPrint location be too far away, or hours of operations too limited there remains an alternate option to submit fingerprints to FieldPrint by US mail utilizing the traditional ink and roll paper fingerprint card. For more information on how to access this option please contact the Virginia Office of EMS – Regulation & Compliance Division.

7. Q: We have individuals who may join or come to work as “driver only” or some other support position (administration, auxiliary, etc.) and are not going to perform any patient care or become certified – do they need to have a fingerprint background check done as well?

A: **Yes**, as per the Code of Virginia language, if a person is applying for membership or affiliation to an EMS agency, they must submit to the fingerprint background check.

8. Q: Does the fingerprint process apply to individuals enrolled in EMS certification training programs? My hospital wants a background check before they do their clinical – what about riding as a student or an observer?

A: **No**. legislation only compels fingerprinting for application to affiliate with a licensed EMS agency. It does not apply to students in training programs.

9. Q: Who pays for this process?

A: The Office of EMS covers all costs associated with background checks. (Both certified and non-certified).

10. Q: Where can I go to have my fingerprints taken?

A: FieldPrint assures no location within the Commonwealth of Virginia is more than 35 miles from the closest FieldPrint location. For communities close to the border, this may mean the

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closest location is in a neighboring state. Any applicant can submit to any FieldPrint location nationwide.

Example, if your agency is recruiting a provider from Oregon, that person can submit their fingerprints to their local FieldPrint location in Oregon. They do not have to travel to Virginia to submit fingerprints.

11. Q: How often is a background check required?

A: The fingerprinting background check is only required when applying for membership or employment with an EMS agency. The record remains valid for a period of sixty (60) days.

12. Q: What is a disqualifying offense for EMS agency affiliation (and EMS certification)?

A: The criteria for disqualifying offenses are referenced in the Virginia EMS Regulations, specifically 12VAC5-31-910 Criminal or enforcement history.

13. Q: How long does a background check take?

A: Once the applicant completes the electronic fingerprint submission at the FieldPrint location the data is submitted instantly to the FBI. It will take approximately seven (7) to twelve (12) days to mail the agency an eligibility determination regarding the applicant.

14. Q: What is a Criminal History Record Verification?

A: Criminal History Record Verification is a process where the fingerprints of a perspective member/employee is obtained and forwarded to the FBI via the Virginia State Police to obtain any potential criminal history. Utilizing established criteria found in the Virginia EMS Regulations, a determination is made by the Office of EMS as to the eligibility of that person to hold EMS certification and/or affiliation with an EMS agency. The Office may also utilize other resources to determine an applicant's suitability to include but not limited to DMV driving records, National Practitioner's Database, etc.

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15. Q: What is the process to dispute results from a background check if the information in the report is incorrect?

A: Should an applicant wish to contest the information that prevents them from obtaining a determination of eligibility based on a check of their criminal history record, they may contact their local Virginia State Police office to obtain further direction and instructions on how to appeal the results of their record.

16. Q: What happens to the background check report after they are reviewed by the Office of EMS?

A: Once the sixty (60) day waiting period has lapsed, the criminal history record obtained from the VSP, is destroyed according to established policies and procedures.

17. Q: Can we continue to submit ink and paper cards after January 1, 2020 if we don't like the new process?

A: **No**, after January 1, 2020 the Office of EMS will no longer have the equipment required to scan fingerprint cards.

18. Q: Can our agency become a FieldPrint location so we can submit our own fingerprints?

A: **Yes**, however you will have to become an independent FieldPrint business, required to employ FieldPrint certified staff, required to purchase FieldPrint equipment, and will have to service all FieldPrint customers, not just EMS applicants.

19. Q: Can we allow prospective new employees or members to work for the agency while we are awaiting the return of the background results?

A: **Yes**, this is an agency specific decision. OEMS understands the importance to an organization of recruiting and retaining new members and prospective employees in order to have sufficient staffing to meet service delivery demands. Again, what a new employee or member can or cannot do while awaiting the return of the criminal background results is an agency decision and not mandated by the Office of EMS.

20. Q: What about the law that was passed by the 2015 General Assembly, SB 997 that allows jurisdictions to run background checks?

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A: During the 2015 session of the General Assembly, SB997 was passed that will allow jurisdictions with approved ordinances to conduct background checks for employment within their jurisdiction to be exempt from similar provisions required in §32.1-111.5 of the Code that requires fingerprint based criminal background checks to be submitted to the Commissioner of Health.

This requires the jurisdiction conducting the fingerprint based criminal background check to interpret eligibility status utilizing Virginia Administrative Code and notify both the EMS agency and Virginia Office of EMS the eligibility status of every applicant regardless of employment status.

It is important to note that OEMS will not be fiscally responsible for any cost to perform criminal background checks for those jurisdictions who are conducting their own checks.