

 <p>National Registry of Emergency Medical Technicians® THE NATION'S EMS CERTIFICATION™</p>	<h2 style="text-align: center;">Eligibility Criteria Related to Criminal Convictions</h2>	
<p>RESOLUTION # 21-Resolution-08</p>	<p>Source: Certification Committee</p>	<p>Approved by Board:</p>
<p>Reference:</p>	<p>Created: 04.21.2021</p>	<p>Amended:</p>

Resolution on National Registry Eligibility Criteria Related to Criminal Convictions 21-RESOLUTION-08

WHEREAS, the National Registry of EMTs is the Nation’s EMS Certification organization with the mission of verifying the initial and on-going competency of emergency medical services (EMS) professionals; AND

WHEREAS, the National Registry of EMTs has maintained eligibility requirements related to criminal convictions for more than twenty (20) years through the Criminal Convictions Policy; AND

WHEREAS, a survey of State EMS Office licensure practices showed that at least 46 states assess criminal convictions through the licensure process; 33 states using state or federal background checks and 13 states using self-disclosure; AND

WHEREAS, State EMS Offices have authority, investigation capability, and legal resources for review of criminal convictions unavailable to the National Registry; AND

WHEREAS, survey data indicates that State EMS Offices are prepared for the National Registry to transition away from evaluation of criminal convictions as a part of National Certification; AND

WHEREAS, public protection is best ensured by State governmental processes that establish and enforce the fitness to practice requirements for regulated professions in that state; AND

WHEREAS, states and DAAs have demonstrated meaningful local regulation of fitness to practice through licensure and at most four states lack licensure standards that include review of criminal history.

THEREFORE, BE IT RESOLVED, that the National Registry of EMTs Board of Directors supports the elimination of eligibility requirements that require evaluation of criminal convictions by the National Registry of EMTs for all certification levels. The Executive Director is directed to adjust the eligibility requirements and organizational policy as needed to remove the conviction policy and related requirements as appropriate, while continuing referral of cases of reported convictions to state officials for possible licensure action. The date of implementation is to be no less than TWO YEARS and no more than THREE YEARS from the date of adoption of this resolution. Staff is directed to consult and collaborate with stakeholders as necessary for smooth implementation.

Enacted by the National Registry Board of Directors this ____ day of JUNE 2021.

Strategy to Remove NREMT Evaluation of Criminal Convictions

Briefing on Committee Resolution

Executive Summary

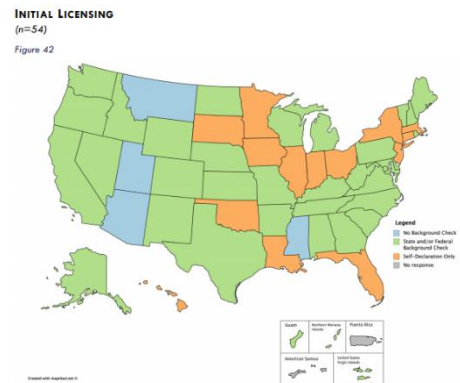
Eligibility for National Registry certifications has included a review of criminal convictions for more than 20 years. EMS licensure requirements in all 50 states now include the review of conviction history. The Interstate Commission for EMS Personnel Practice is now operational, includes 22 states and requires criminal background checks. After studying the issue, the Certification Committee recommends that the Board adopt a resolution that calls for the National Registry to move away from evaluation of criminal convictions over the next two years while states prepare for the shift.

Background

The National Registry has required disclosure of criminal convictions for more than 20 years. The current criminal conviction policy can be found [here](#).

The National Registry convened a task force in 2018 to study the issue. Five state officials and two DAA officials provided input on criminal convictions. The task force recommended that an assessment of state licensure practices and a survey of state officials guide the recommendations for future NREMT strategy.

All 50 states have some process in place to evaluate convictions. The 2020 National Association of State EMS Officials (NASEMSO) National EMS Assessment found that 46 states included evaluation of convictions for EMS licensure practices for initial licensure. 64% of states required a state and/or federal background check for initial licensure and 43% for relicensure. Further research by staff revealed that the four states that reported no background check on the assessment did have processes for evaluation of convictions. Puerto Rico and American Samoa did not report.



The Stakeholder Team conducted an anonymous survey of State EMS Officials in late 2020 and early 2021. Feedback from State EMS Offices was mixed.

- “Does your state have any concerns if the National Registry were to stop evaluating criminal background as a requirement for national certification?” 22 Yes, 21 No, 2 Maybe
- When those that replied yes were further questioned as to why, sixteen replied that “we believe that independent review by the National Registry is an important complementary activity with licensure” and nine replied that “National Registry evaluation of criminal convictions reduces legal or political liability for state EMS offices”
- When those that replied no were further questioned as to why, eighteen replied that “our state licensure processes include assessment of criminal convictions” and five replied that “our state believes that criminal convictions are best evaluated by the state EMS office rather than the national certification agency”

- When asked for a suggested transition time, respondents indicated:
 - Six indicated “Less that one year”
 - Twelve indicated “one to three years”
 - Three indicated “four to six years”
 - One indicated “more than six years”

Not all certification organizations evaluate criminal convictions. The Institute for Credentialling Excellence (ICE) released a criminal justice research study in 2020. That study found that 66% of responding certification organizations take action based on criminal history independent of licensing entities. The percentage certification organization taking action on a particular type of infraction is shown on the chart below. It should be noted that the study design was susceptible to selection bias, possibly overstating the percentage of certifications taking action on convictions.

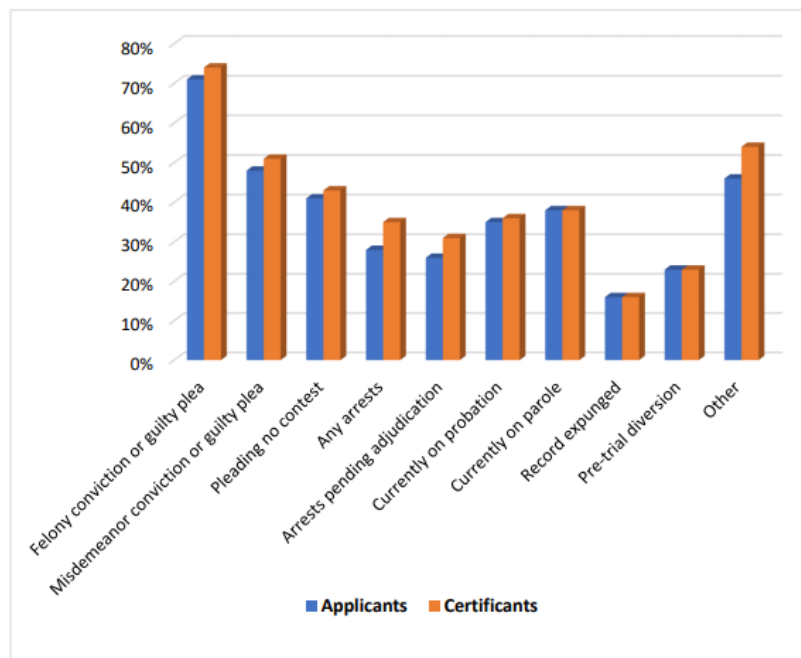


Figure 10. Infractions for which organization takes actions for applicants and current certificants.

Impact on the National Registry

The evaluation of criminal convictions presents legal and operational risk to the National Registry.

Unlike evaluation of convictions by a state agency, conviction review by the National Registry includes information from federal and state laws in all fifty states. Our current staffing does not include attorneys. Our information relies almost exclusively on that provided by the applicant. Convictions are the leading cause of denial of eligibility for certification after evaluation of the application. In summary, our evaluation has a much broader scope than state EMS offices, without in-house legal resources, and with less investigative authority.

At least 1.0 FTE staff is dedicated evaluation. Staff evaluated approximately 1,300 submissions in 2020. In addition to the evaluation of each case, additional time is necessary for communications and clarification of submissions that often omit needed information.

There are significant downstream consequences related to evaluation of convictions. More than two thirds of appeals are related to evaluation of convictions by the National Registry. This cascades beyond the initial review by the Certification Team to include independent review by the Executive Director. Board members are impacted at the second and third stages of the appeal process. Significant legal fees are incurred for each Hearing Panel, the third stage of appeals.

Committee Deliberation

The Certification Committee studied the issue before making a recommendation. Committee study included the NASEMSO and ICE reports referenced above. Anonymous survey data from State EMS Officials and reports from Stakeholder Partnership staff were considered. The Executive Director of NASEMSO presented to the committee on the issues facing State EMS Officials related to review of convictions. The NASEMSO Executive Director shared that her data showed that approximately 20% of convictions were not reported by the applicant, showing the need for biometric criminal background check. The Chair of the ICEMSPP presented to the committee and shared that the biometric background check requirements of the Compact go into effect within the next two years.

One participant described the impact of National Registry evaluation of convictions of building a false confidence in review of disclosed convictions that may discourage State EMS Offices from moving towards use of biometric criminal background checks.

Copies of the documents considered by the committee are retained in the Certification Committee SharePoint.

Request

The resolution recommended by the Committee is attached.