



# San Benito County Emergency Medical Services Agency

## CRIMINAL OFFENDER RECORD INFORMATION (CORI) BACKGROUND CHECK

Policy : 3040  
Effective : May 1, 2010  
Reviewed : May 1, 2010

### **I. Purpose**

To provide a method to ascertain the criminal background history of persons who apply for certification or recertification as EMT-1 or First Responder in San Benito County.

### **II. Authority**

Health and Safety Code, Section 1798.200, California Code of Regulations, Title 13, Section 1101, California Code of Regulations, Title 22, Sections 100079(a)(6)(C) and 100080(e)(3), Penal Code Sections 11105(b)(11) and 13300(b)(11).

### **III. Certification**

All EMT-1 and First Responder applicants must submit one-time Live Scan fingerprints for Department of Justice (DOJ) and Federal Bureau of Investigation (FBI) Criminal Offender Record Information (CORI) background checks.

### **IV. CRITERIA & GUIDELINES FOR DENIAL, SUSPENSION OR REVOCATION OF EMT-1 CERTIFICATION AND RECERTIFICATION OF APPLICANTS WITH CRIMINAL HISTORIES**

Criteria in Health and Safety Code Section 1798.200 and California Code of Regulations, Title 13, Section 1101, et al shall be used to determine whether certification is approved or denied based upon the results of the background check. For purposes of evaluation, investigation and determination of disciplinary measures as they relate to criminal histories, the EMS Agency Medical Director shall refer to San Benito County EMS Policy # 1120. In addition, the EMS Agency will use the most current version of the Emergency Medical Services Authority document "Recommended Guidelines for Disciplinary Orders and Conditions of Probation" as a reference.

All applicants receiving a certification denial, suspension or revocation related to a criminal conviction will be given information on the option to request an Investigative Review Panel (IRP) hearing. The IRP hearing is defined in the *"Emergency Medical Services Personnel*

*Certification Review Process Guidelines*” found in Chapter 6, Division 9, Title 22 of the California Code of Regulations.

The EMS Agency’s Medical Director may deny, suspend or revoke an EMT-1 or First Responder certification if any of the following apply to the applicant:

- (1) Fraud in the procurement of any certificate or license under this division.
- (2) Gross negligence.
- (3) Repeated negligent acts.
- (4) Incompetence.
- (5) The commission of any fraudulent, dishonest, or corrupt act which is substantially related to the qualifications, functions, and duties of prehospital personnel.
- (6) Conviction of any crime which is substantially related to the qualifications, functions, and duties of prehospital personnel. The record of conviction or certified copy of the record shall be conclusive evidence of the conviction.
- (7) Violating or attempting to violate directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this division or the regulations adopted by the authority pertaining to prehospital personnel.
- (8) Violating or attempting to violate any federal or state statute or regulation which regulates narcotics, dangerous drugs, or controlled substances.
- (9) Addiction to or the excessive use of, or the misuse of, alcoholic beverages, narcotics, dangerous drugs, or controlled substances.
- (10) Functioning outside the supervision of medical control in the field care system operating at the local level, except as authorized by any other license or certification.
- (11) Demonstration of irrational behavior or occurrence of a physical disability to the extent that a reasonable and prudent person would have reasonable cause to believe that the ability to perform the duties normally expected may be impaired.
- (12) Unprofessional conduct exhibited by any of the following:
  - (a). The mistreatment or physical abuse of any patient resulting from force in excess of what a reasonable and prudent person trained and acting in a similar capacity while engaged in the performance of his or her duties would use if confronted with a similar circumstance. Nothing in this section shall be deemed to prohibit an EMT-I, EMT-II, or EMT-P or First Responder from assisting a peace officer, or a peace officer who is acting in the dual capacity of peace officer and EMT-I, EMT-II, or EMT-P or First Responder, from using that force that is reasonably necessary to affect a lawful arrest or detention.

- (b). The failure to maintain confidentiality of patient medical information, except as disclosure is otherwise permitted or required by law in Sections 56 to 56.6, inclusive, of the Civil Code.
- (c). The commission of any sexually related offense specified under Section 290 of the Penal Code.

**V. SPECIFIC CASES WHERE CERTIFICATION DENIAL IS STRONGLY INDICATED:**

- (1) The applicant is required under Section 290 of the Penal Code to register as a sex offender for any offense involving force, duress, threat, or intimidation.
- (2) The applicant has been convicted of murder, attempted murder or murder for hire.
- (3) The applicant has been convicted of two or more felonies.
- (4) The applicant is on parole or probation for any felony.
- (5) The applicant has been convicted and released from incarceration during the preceding fifteen years for the crime of manslaughter or involuntary manslaughter.
- (6) The applicant has been convicted and released from incarceration during the preceding ten years for any offense punishable as a felony.
- (7) The applicant has been convicted of two misdemeanors within the preceding five years relating to the use, sale, possession or transportation of narcotics or dangerous drugs.
- (8) The applicant has been convicted of two misdemeanors within the preceding five years for any offense relating to force, violence, threat or intimidation.
- (9) The applicant has been convicted within the preceding five years of any theft related misdemeanor.
- (10) The applicant has committed any act involving fraud or intentional dishonesty for personal gain within the preceding seven years.

**VI. PROCEDURE**

- 1. The background check process is a Live Scan electronic fingerprint submission sent to the Department of Justice (DOJ) and Federal Bureau of Investigation (FBI) who do the background check and send the results electronically to the San Benito County EMS Agency. San Benito County EMS contracts with DOJ for subsequent arrest notification services necessitating the Live Scan background check to be only a one time submission.

- a. A Live Scan form and related instructions can be obtained at the EMS Agency or by mail or by accessing the EMS Agency web site: [www.sanbenitoco.org/ems](http://www.sanbenitoco.org/ems)
- b. Complete the application in triplicate.
- c. Contact a Live Scan location to make an appointment and verify hours and payment method. A state-wide list of Live Scan locations is available upon request of the EMS Agency.
- d. In San Benito County, appointments can be made at the San Benito County Office of Education, 460 5th Street, Hollister, CA, (831) 637-5393.
- e. The fees for the Live Scan vary according to the “rolling fee” charged by the entity doing the fingerprint submission.
- f. Submit part two (Second Copy) of the Live Scan form with your EMT-1 or First Responder application.
- g. Because agencies cannot share Live Scan information, Live Scans done for other agencies cannot be accepted by our agency.

## **VII. PRIVACY GUARANTEE**

Privacy and confidentiality of criminal history information is the responsibility of the EMS Agency. Once a response is received from the DOJ we are obligated to destroy that information immediately once a decision is made on certification status. In addition, only preauthorized EMS Agency staff are permitted to review this information. All submitted material is held in strict confidence with criminal and civil sanctions available for the misuse of this confidential information.