

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

Virginia Office of EMS
Division of Regulation and
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 this background check done too?*

A: The *Code of Virginia* language does not delineate age requirements that individuals must submit to a fingerprint based background check. **YES** – prospective members to your junior squad must submit to the 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 the background check done?*

A: 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 **YES** – they must submit to the fingerprint background check.

3. Q: *Is the fingerprint process retroactive – do I need to have all my members have this done?*

A: Although the legislation was passed and effective on July 1, 2013 – the Office was not able to finalize the process to check criminal history records until recently. The process begins on July 1, 2014 and as such, anyone who applies for membership or employment with an EMS agency on or after July 1, 2014 must be fingerprinted. **NO** – it is not retroactive.

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 done too?*

A: In consultation with the Virginia State Police, who manage this program, the answer is **YES** – they must have their fingerprint background check done prior to affiliation/employment with a Virginia 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?*

A: 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 – the answer is **NO** – we can only indicate eligibility for EMS agency affiliation/certification.

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6. Q: *Does the fingerprint card have to be “inked” or can we have the prints copied onto your card and have the fingerprint technician send the card to the Virginia State Police?*

A: Using the Live Scan program the fingerprints can be scanned and copied onto the OEMS issued fingerprint card. The card **MUST** be submitted to OEMS for processing – **NO** – it cannot be sent by the fingerprint technician directly to the Virginia State Police for processing – it must come to the Office of EMS for processing and OEMS will submit the prints to the Central Criminal Records Exchange (CCRE) of the VSP.

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: As per the *Code of Virginia* language, if a person is applying for membership or affiliation to an EMS agency, then **YES** – 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: The legislation only allows for fingerprinting for application to or employment with an EMS agency. The answer is **NO** – it does not apply to students in a training programs or any ride-a-long (observer) and as such cannot be conducted by this Office.

9. Q: *Who pays for this process? Is this another unfunded state mandate?*

A: The Office of EMS does not cover the cost related to obtaining a copy of the applicant’s fingerprints on the appropriately coded fingerprint card. However, the Office does cover the cost for the actual background check (career or volunteer), which is one of the reasons the fingerprint cards must be returned to OEMS for processing.

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

A: You should be able to go to any local law enforcement agency to obtain your finger prints. You will be required to verify your identity before submitting your fingerprints. In addition, it will be helpful to verify what day of the week and hours the individual offices may have such a program – it may vary in location. As a reminder, any cost associated with the actual fingerprinting is **NOT** covered by OEMS.

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

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

A: Once the fingerprint card is received by OEMS, it will take approximately to seven (7) to twelve (12) days to transmit the prints to the FBI and forward to the agency the eligibility determination regarding the applicant. This time frame is assuming the prints are accepted and can be read.

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.

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, along with the fingerprint card are destroyed according to established policies and procedures.

17. Q: *Can we fold the finger print cards to make the mailing easier?*

A: The fingerprint cards must be mailed flat – please do not fold, spindle or mutilate the document. Any such damage can and will delay the background check process.

18. Q: *Do we need to complete the fingerprint card with **ALL** the information requested?*

A: Yes, all the blanks on the cards must be completed to facilitate the fiscal and demographic information is correct to allow prompt processing of the request.

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. We are working to reduce the time for processing the submitted request, but understand the realities associated with the process. 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?*

A: During the 2015 session of the General Assembly, SB997 (<http://leg1.state.va.us/cgi-bin/legp504.exe?151+ful+CHAP0362>) 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 bill must be signed by the Governor to become effective (anticipated to become effective July 1, 2015). The Office must develop a defined process for this to occur to include verification of such ordinances and how to address negative results as reported to OEMS. It is important to note that OEMS will not be fiscally responsible for the cost to perform criminal background checks for those jurisdictions who are conducting their own checks.