

NEMSEC FELONY / CONVICTION POLICY



Purpose:

To define general denials for NEMSEC Certification Exam Candidates based on felony convictions.

Policy:

General Denial

Certification of individuals convicted of certain crimes present an unreasonable risk to public health and safety. Thus, applications for 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, 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 health care facility including abuse, neglect, theft from, or financial exploitation of a person entrusted to the care or protection of the applicant.

Presumptive Denial

Applications for certification by individuals in the following categories will be denied except in extraordinary circumstances, and then will be granted only if the applicant establishes by clear and convincing evidence that certification will not jeopardize public health and safety.

1. Applications for 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 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.
 1. 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.
 2. 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 Uniform Controlled Dangerous Substances Act.
 3. Serious crimes against property, such as grand larceny, burglary, embezzlement or insurance fraud
 4. Any other crime involving sexual misconduct.

Discretionary Denial

Applications for certification by individuals convicted of any crimes including DUI, but not including minor traffic violations may be denied after consideration of the following factors.

1. The seriousness of the crime.
2. Whether the crime relates directly to the skills of pre-hospital care service and the delivery of patient care.
3. How much time has elapsed since the crime was committed.
4. Whether the crime involved violence to, or abuse of, another person.
5. Whether the crime involved a minor or a person of diminished capacity.
6. Whether the applicant's actions and conduct since the crime occurred are consistent with the holding of a position of public trust.

Procedure:

Candidates that meet any or all of the criteria above shall be denied access to the NEMSEC Certification Exam.

I, _____, hereby attest that I am in compliance with the NEMSEC Felony Conviction Policy 72006-14.

SIGNATURE: _____