	<p align="center">Jefferson County Fire and EMS Responder Background Requirement Page 1 of 2</p>	<p>OG: 19-01 Date: 10/1/2019 Revised: N/A</p>
-----------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------

I. Purpose

Whereas, numerous individuals serve the citizens of Jefferson County, West Virginia in various capacities as Emergency Medical Services (EMS) providers or responders, and in fire suppression and related activities, both career and volunteer (herein “responders”), and;

Whereas, individuals who have been convicted of certain crimes may present an unreasonable risk to public health and safety that would preclude their service as a responder, and;

Whereas certain misconduct on the part of said responders may irreparably harm the public’s ability to trust responders within the Jefferson County Fire and EMS system as a whole;

It is therefore determined to be the Policy of the Medical Director, and of the Jefferson County Fire and EMS Chiefs, and of the Jefferson County Emergency Services Agency, (JCESA) that authorization to function as an EMS and/or fire service responder in Jefferson County by individuals charged with and/or convicted of certain crimes as described herein will be denied/revoked.

II. Criminal Background

- A. Any individual EMS or Fire responder, whether career or volunteer, with the following criminal background shall not be permitted to respond to or participate in calls within in Jefferson County:
 1. A felony conviction within the last five years; or
 2. A misdemeanor conviction within the last five years involving violence, threats of violence, sex crimes, arson, or controlled substances; or
 3. Conviction of any crime in which the victim is an out-of-hospital patient or a patient or resident of a health care facility involving abuse, neglect, theft from, or financial exploitation of a person entrusted to the care or protection of the provider/responder; or
 4. Unadjudicated charges of any felony crime or misdemeanor crimes involving violence, threats of violence, theft, abuse, sex crimes, arson, unlawful possession or use of controlled substances, or any crime in which the victim is an out-of-hospital patient or a patient or resident of a health care facility involving abuse, neglect, theft from, or financial exploitation of a person entrusted to the care or protection of the provider/responder, during the pendency of the charges; or

5. Currently serving probation or parole, regardless of the date of conviction or sentence; or
6. Inclusion in the US DHHS Office of the Inspector General (OIG) Exclusion List; or
7. Any other conviction, unadjudicated criminal charge, or regulatory exclusion not specifically defined above, at the discretion of the Fire Chief, EMS Chief, and/or County Medical Director, upon consideration of the following factors:
 - a. The seriousness of the crime or allegation; and
 - b. Whether the crime or allegation relates directly to the skills of pre-hospital care service and the delivery of patient care; and
 - c. How much time has elapsed since the crime was committed; and
 - d. Whether the crime or allegation involved injury or violence to, or abuse of, another person; and
 - e. Whether the crime or allegation involved a minor or a person of diminished capacity; and
 - f. Whether the individual's actions and conduct since the crime occurred are consistent with the holding of a position of public trust.

B. Upon determination that any individual responder fits into one of the categories of disqualifying criminal background listed (II-A,1-7) above:

1. The County Medical Director will suspend or revoke the individual's authorization to operate as a WVOEMS certified EMS responder under his/her medical license and prohibit the individual from participating in patient care and patient handling; and
2. The EMS Chief or highest-ranking EMS Official of the respective department shall suspend or revoke the individual's authorization to function as an EMS responder; and
3. The Fire Chief of the respective department shall suspend or revoke the individual's authorization to function as a Fire responder.
4. The above listed official(s) shall issue written notice to such individual responder, informing that person that he or she is disqualified from serving as responder. Such notice shall;
 - a. Provide details of the disqualification; and
 - b. Inform the individual that he or she has a thirty-day period to contest the determination that he or she fits within the disqualifying criminal background criteria.
 - i. Contest of the disqualification shall be limited to determining whether the record accurately reflects the identity, charges and/or

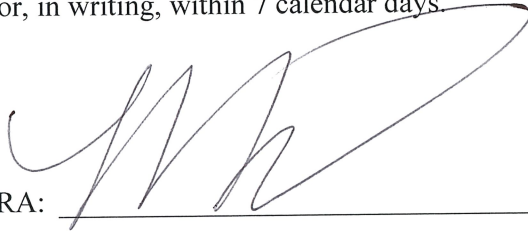
convictions of the disqualified responder. Claims of actual innocence or mitigating circumstances are not eligible for consideration.

- ii. Request to contest must be submitted in writing to the listed official within thirty days.
- iii. If the disqualified individual submits written notice to contest the determination of disqualification, such official shall convene a hearing within twenty-one days of receipt of such letter. During the pendency of such period of time, the individual responder shall be suspended from service

III. Action Reporting

If any WVOEMS certified responder, career or volunteer, is charged with a crime described in section II-A or is suspended or placed on Administrative Leave for any action that has the potential to result in criminal charges or involves violence, threats, theft, abuse, sex crimes, arson, or unlawful possession of or use of controlled substances, the highest ranking EMS official and/or Fire Chief of the volunteer company or agency with which the member or employee is affiliated, is required to notify the County Medical Director, in writing, within 7 calendar days.

Chairman of JCFRA:



Date:

10/3/19

Medical Director:



Date:

10/3/19