



# INTERSTATE COMMISSION FOR EMS PERSONNEL PRACTICE

## Biometric Criminal History Checks for EMS Personnel

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### Introduction

EMS Practitioners, including Emergency Medical Technicians (EMTs), Advanced EMTs, and Paramedics, are integral to the health and safety of the American public and visitors. The practice of EMS requires frequent unscheduled interactions with patients in a variety of settings, and frequently the encounters may require individual, one-on-one care of vulnerable populations. As such, a high level of trust is placed in every EMS professional. This position paper reinforces the need for all states, territories, and jurisdictions to urgently implement uniform Federal Bureau of Investigation (FBI) compliant biometric criminal history records checks for all individuals seeking licensure as an EMS Practitioner in the United States.

### The Imperative for Uniform Standards

Multiple Supreme Court decisions clearly established that states have the authority and responsibility to protect the public, and this is – in part – accomplished through the formal issuance of licenses to medical professionals, including EMS practitioners. The Supreme Court has affirmed that a state’s licensing responsibility not only includes evaluating an individual’s knowledge, skills, and abilities but also their character attributes. Today, meeting this standard and public expectation requires state officials to review primary source criminal history information via a biometric FBI compliant criminal history check. Reliance on self-disclosure for criminal background is both ineffective and unreliable.

In 2014, national EMS leadership organizations collaborated to write the Model Legislation for the Recognition of EMS Personnel Practice Interstate Compact (REPLICA) – the EMS Compact. This legislation requires all Compact Member States to perform an FBI compliant biometric criminal history check, as a prerequisite for state licensure. As of November 2023, 24 states have adopted this Model Legislation. While the majority of Compact Member States have already implemented this requirement, the remainder of Member States have until March 2025 to achieve compliance with this requirement. While some non-Compact states have voluntarily implemented this requirement, there is currently no uniform requirement for non-Compact states. The EMS Compact urges all states, territories, and jurisdictions to urgently implement uniform FBI-compliant biometric criminal history checks for all individuals seeking licensure as an EMS Practitioner in the United States.

### Core Justifications

- Commitment to Public Health, Safety, and Welfare
  - The foremost priority of the collective profession is to protect the public. A uniform background check ensures that state/territory personnel have reliable, primary-source information available when making licensure decisions.
- Upholding Professional Standards and Ethics
  - EMS personnel are expected to adhere to a professional standard. Uniform background checks enhance the credibility and trustworthiness of the profession.
- Necessity of Public Trust
  - Emergency medical services operate on the premise of public trust. Standardized criminal history checks are vital for maintaining this trust and enabling informed decisions by state licensing officials.

- Unique Challenges of EMS Service Delivery
  - Unlike other professions, EMS personnel often serve patients in unscheduled, urgent situations where individuals are extremely vulnerable and cannot pre-research or choose their EMS providers.

## Recommendations

- **Uniform Standard:** A biometric, FBI-compliant criminal history check should be universally required as a prerequisite prior to issuing new licenses (including state-issued certifications) for EMS Personnel in all states and territories.
- **Primary Source Data:** States should make licensing decisions based on primary source data that is securely transferred directly from the primary source (FBI) to the state licensing office. The primary source data evaluated by the state/territory licensing official should include, at minimum, the results of an FBI compliant criminal history records check.
- **Continual Feedback:** State and territory licensing offices should, when possible, enroll in the FBI Rap-Back service so that the licensing official is notified if the applicant engages in criminal activity where fingerprints are taken and reported to the national system. Rap-Back reduces the need to re-fingerprint EMS personnel and saves time and money.
- **State Sovereignty:** The mere presence of a criminal conviction should not serve as an automatic disqualification. States should have the ability to make informed decisions based on their laws, regulations, adopted policies and practices.

## Call For Action

Representing the EMS Compact Member States, we urge every state and territory across the United States to adopt mandatory policies that require FBI-compliant biometric criminal history screenings for EMS licensure. This action is crucial for public health and safety and reflects the rigorous standards of medical professional credentialing. By uniting under this practice, we reinforce our collective commitment to earn and maintain the public's trust, an essential foundation of our profession.

We implore state legislatures to promptly update their laws, ensuring biometric, FBI-compliant checks are fundamental to EMS licensure, thus upholding the highest safety and trust standards. Join us in affirming this commitment.

Historically, the U.S. legal system, supported by Supreme Court rulings, has recognized that medical licensure must consider more than just professional knowledge—it must integrate a comprehensive assessment of factors critical to the public's well-being. In emergency medical services, where situations are unpredictable and time-sensitive, the public's unwavering trust is imperative.

As many states have already incorporated this requirement, we call upon all states and territories to unify these efforts into a national standard to guarantee consistency, trust, public protection, and professional accountability in our national EMS system.

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