



MEMORANDUM

To: EMS System Coordinators, EMS Medical Directors, EMS Advisory Council Members, Interested Party Groups

From: Illinois Department of Public Health, Division of EMS

Date: October 30, 2018

Re: EMS Licensure

I. Introduction

Illinois Department of Public Health (IDPH) Emergency Medical Services (EMS) licensees are placed in a unique position of trust given that they respond to emergency situations in which adults and/or children may be incapacitated. EMS licensees also have access to and custody of various prescription medications and, in the case of EMT-Is, EMT-Ps, and PHRNs, various narcotics. Additionally, EMS licensees care for unconscious adults and children. Therefore, current law requires EMS applicants and licensees to report all felony convictions to IDPH under 77 Ill Adm. Code 515.190(b), both at the time of an initial license application and at license renewal. Similarly, under 77 Ill Adm. Code 515.190(c), all existing licensees must also report any new felony convictions to IDPH in writing within seven days after conviction.

Failure to disclose any felony conviction(s) to IDPH on an application or within seven days of conviction after licensure is grounds for license denial or revocation.

However, a felony conviction, in and of itself, is not an automatic disqualifier or cause for revocation. The EMS Act subjects applicants and licensees convicted of an Illinois Class X, Class 1 or Class 2 felony, or an out-of-state equivalent offense, to adverse licensure action. 210 ILCS 50/3.50(d). Additionally, under 77 Ill Adm. Code 515.190(e), IDPH considers the degree to which the applicant's criminal history suggests that he or she may present a risk to patients. The following six factors are reviewed:

- 1) The length of time since the conviction and the severity of the penalty imposed;
- 2) Whether the conviction involved theft, deception or infliction of intentional, unjustified harm to others;
- 3) Whether there are repeat or multiple convictions or whether the convictions suggest a particular pattern of overall disregard for the safety or property of others;

- 4) Whether the conviction suggests a propensity that may pose a threat to the public in stressful situations commonly confronted by EMS providers and EMRs;
- 5) The degree to which the applicant provided full, complete and accurate information upon written request of the Department; and
- 6) Other unusual facts and circumstances that strongly suggest that the applicant should not be granted a license.

II. Licensure Background Checks

In the near future, IDPH will be proposing mandatory background checks for all individual EMS applicants and licensees. If IDPH discovers that any applicant or existing licensee has failed to properly disclose any felony conviction(s) to IDPH as required by 77 Ill Adm. Code 515.190, IDPH will begin formal action to suspend or revoke the IDPH issued license(s).

However, if an applicant comes forward and fully discloses, in writing, any previously undisclosed felony conviction(s) to IDPH prior to December 31, 2018, and promptly and fully cooperates with all IDPH requests for information (including an authorization and fee for an Illinois State Police criminal background check), then IDPH will not automatically seek to revoke the licensee's IDPH issued licenses. Rather, IDPH will consider the six factors described above, including whether the individual fully cooperated with IDPH.

If an applicant or licensee does not voluntarily come forward and fully disclose any previously undisclosed felony conviction(s) in writing by December 31, 2018, the applicant or licensee will face a formal license suspension/revocation action. Although a felony conviction is not an automatic disqualifier from licensure, failure to disclose any felony convictions is grounds for denial/revocation.

Please distribute this memorandum to all licensed EMS personnel in your respective region. If you have any questions, please email the Division of EMS at dph.emtlic@illinois.gov.