

1 10A NCAC 13P .1507 is proposed for readoption with substantive changes as follows:

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3 **10A NCAC 13P .1507 EMS PERSONNEL CREDENTIALS**

4 (a) An EMS credential ~~which that~~ has been forfeited under G.S.15A-1331A may not be reinstated until the person  
5 has ~~successfully~~ complied with the court's requirements, has petitioned the Department for reinstatement, ~~has~~  
6 ~~appeared before the EMS Disciplinary Committee, and has had reinstatement approved.~~ has completed the  
7 disciplinary process, and has established Department reinstatement approval.

8 (b) The Department shall amend, deny, suspend, or revoke the credentials of EMS personnel for significant failure  
9 to comply with, as defined in Rule .0102(45), any of the following reasons: following:

- 10 (1) failure to comply with the applicable performance and credentialing requirements as found in this  
11 Subchapter;
- 12 (2) making false statements or representations to the ~~Department~~ Department, or ~~willfully~~ concealing  
13 information in connection with an application for credentials;
- 14 (3) making false statements or representations, ~~willfully~~ concealing information, or failing to respond  
15 ~~within a reasonable period of time and in a reasonable manner~~ to inquiries from the Department  
16 during a complaint investigation;
- 17 (4) tampering ~~with~~ with, or falsifying any record used in the process of obtaining an initial EMS  
18 ~~credential~~ credential, or in the renewal of an EMS credential;
- 19 (5) in any manner or using any medium, engaging in the stealing, manipulating, copying, ~~reproducing~~  
20 reproducing, or reconstructing of any written EMS credentialing examination ~~questions~~ questions,  
21 or scenarios;
- 22 (6) ~~cheating~~ cheating, or assisting others to cheat while preparing to ~~take~~ take, or when taking a  
23 written EMS credentialing examination;
- 24 (7) altering an EMS credential, using an EMS credential that has been ~~altered~~ altered, or ~~permitting~~  
25 permitting, or allowing another person to use his or her EMS credential for the purpose of  
26 alteration. Altering includes changing the name, expiration ~~date~~ date, or any other information  
27 appearing on the EMS credential;
- 28 (8) unprofessional conduct, including a failure to comply with the rules relating to the proper function  
29 of credentialed EMS personnel contained in this ~~Subchapter~~ Subchapter, or the performance ~~of~~ of,  
30 or attempt to perform a procedure that is detrimental to the health and safety of any ~~person~~ person,  
31 or that is beyond the scope of practice of credentialed EMS ~~personnel~~ personnel, or EMS  
32 instructors;
- 33 (9) being unable to perform as credentialed EMS personnel with reasonable skill and safety to patients  
34 and the public by reason of ~~illness~~ illness, use of alcohol, drugs, chemicals, or any other type of  
35 ~~material~~ material, or by reason of any physical physical, or mental abnormality;

- 1 (10) conviction in any court of a crime involving moral turpitude, a conviction of a felony, a conviction  
2 requiring registering on a sex offender registry, or conviction of a crime involving the scope of  
3 practice of credentialed EMS personnel;
- 4 (11) by false representations ~~obtaining~~ obtaining, or attempting to obtain ~~money~~ money, or anything of  
5 value from a patient;
- 6 (12) adjudication of mental incompetence;
- 7 (13) lack of competence to practice with a reasonable degree of skill and safety for patients including a  
8 failure to perform a prescribed procedure, failure to perform a prescribed procedure ~~competently~~  
9 competently, or performance of a procedure that is not within the scope of practice of credentialed  
10 EMS ~~personnel~~ personnel, or EMS instructors;
- 11 (14) performing as ~~an EMT I, EMT P, or EMD~~ a credentialed EMS personnel in any EMS System in  
12 which the individual is not affiliated and authorized to function;
- 13 ~~(15)~~ performing, or authorizing the performance of procedures, or administration of medications  
14 detrimental to a student, or individual;
- 15 ~~(16)~~ delay or failure to respond when on-duty and dispatched to a call for EMS assistance;
- 16 ~~(15)~~ (17) testing ~~positive~~ positive, whether for-cause or at random, through urine, blood, or breath  
17 sampling, for any substance, legal or illegal, that ~~has impaired~~ is likely to impair the physical or  
18 psychological ability of the credentialed EMS personnel to perform all required or expected  
19 functions while on duty;
- 20 ~~(16)~~ (18) failure to comply with G.S. 143-518 regarding the use or disclosure of records or data associated  
21 with EMS Systems, Specialty Care Transport Programs, Alternative Practice Settings, or patients;
- 22 ~~(17)~~ (19) refusing to consent to any criminal history check required by G.S. 131E-159;
- 23 ~~(18)~~ (20) abandoning or neglecting a patient who is in need of care, without making ~~reasonable~~  
24 arrangements for the continuation of such care;
- 25 ~~(19)~~ (21) falsifying a patient's record or any controlled substance records;
- 26 ~~(20)~~ (22) harassing, abusing, or intimidating a ~~patient~~ patient, student, bystander, or OEMS staff, either  
27 physically or verbally; physically, verbally, or in writing;
- 28 ~~(21)~~ (23) engaging in any activities of a sexual nature with a patient including kissing, ~~fondling~~ fondling, or  
29 touching while responsible for the care of that individual;
- 30 ~~(22)~~ (24) any criminal arrests that involve charges ~~which~~ that have been determined by the Department to  
31 indicate a necessity to seek action in order to further protect the public pending adjudication by a  
32 court;
- 33 ~~(23)~~ (25) altering, ~~destroying~~ destroying, or attempting to destroy evidence needed for a complaint  
34 investigation; being conducted by the OEMS;
- 35 ~~(24)~~ (26) as a condition to the issuance of an encumbered EMS credential with limited and restricted  
36 practices for persons in the chemical addiction or abuse treatment program; ~~or~~

1 (27) unauthorized possession of lethal or non-lethal weapons, chemical irritants to include mace,  
2 pepper (oleoresin capsicum) spray and tear gas, or explosives while in the performance of  
3 providing emergency medical services;

4 (28) failure to provide EMS care records to the licensed EMS provider for submission to the OEMS as  
5 required by Rule .0204 of this Subchapter;

6 (29) continuing to provide EMS care after local suspension of practice privileges by the local EMS  
7 System, Medical Director, or Alternative Practice Setting; or

8 ~~(25)~~ (30) representing or allowing others to represent that the credentialed EMS personnel has a credential  
9 that the credentialed EMS personnel does not in fact have.

10 (c) Pursuant to the provisions of ~~S.L. 2011-37~~, G.S. 131-E-159(h), the OEMS shall not issue an EMS credential for  
11 any person listed on the North Carolina Department of Justice Sex Offender and Public Protection Registry ~~shall be~~  
12 ~~denied initial or renewal EMS credentials.~~ Registry, or who was convicted of an offense that would have required  
13 registration if committed at a time when the registration would have been required by law.

14 (d) Pursuant to the provisions of G.S. 50-13.12, upon notification by the court, the OEMS shall immediately revoke  
15 an individual's EMS credential until the Department has been notified by the court evidence has been obtained of  
16 compliance with a child support order.

17 ~~(d)~~ (e) When a person who is credentialed to practice as an EMS professional is also credentialed in another  
18 jurisdiction and that other jurisdiction takes disciplinary action against the person, the Department shall summarily  
19 impose the same or lesser disciplinary action upon receipt of the other jurisdiction's action. The EMS professional  
20 may request a hearing before the EMS Disciplinary Committee. At the hearing the issues shall be limited to:

21 (1) whether the person against whom action was taken by the other jurisdiction and the Department  
22 are the same person;

23 (2) whether the conduct found by the other jurisdiction also violates the rules of the N.C. Medical  
24 Care Commission; and

25 (3) whether the sanction imposed by the other jurisdiction is lawful under North Carolina law.

26 (f) The OEMS shall provide written notification of the amendment, denial, suspension, or revocation. This notice  
27 shall be given personally, or by certified mail and shall set forth:

28 (1) the factual allegations;

29 (2) the statutes or rules alleged to have been violated

30 (3) notice of the individual's right to a contested hearing, set forth in Rule .1509 of this Section, on  
31 the revocation of the credential.

32 (g) The OEMS shall provide written notification to the EMS professional within five business days after  
33 information has been entered into the National Practitioner Data Bank and the Healthcare Integrity and Protection  
34 Integrity Data Bank.

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36 *History Note:* Authority G.S. 131-E-159; G.S. 131E-159(f),(g); 143-508(d)(10); S.L. 2011-37;  
37 Eff. January 1, 2013; 2013;

