

1 10A NCAC 13P .1511 is proposed for adoption as follows:

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3 **10A NCAC 13P .1511 PROCEDURES FOR QUALIFYING FOR AN EMS CREDENTIAL**  
4 **FOLLOWING ENFORCEMENT ACTION**

5 (a) Any individual who has been subject to denial, suspension, revocation or amendment of an EMS credential must  
6 submit in writing to the OEMS a request for review to determine eligibility for credentialing.

7 (b) Factors to be considered by the Department when determining eligibility shall include:

8 (1) the reason for administrative action, that includes:

9 (A) criminal history;

10 (B) patient care;

11 (C) substance abuse; and

12 (D) failure to meet credentialing requirements.

13 (2) the length of time since the administrative action was taken; and

14 (3) any mitigating or aggravating factors relevant to obtaining a valid EMS credential.

15 (c) In order to be considered for eligibility, the individual must:

16 (1) wait a minimum of 36 months following administrative action before seeking review; and

17 (2) undergo a national criminal history background check. If the individual has been charged or  
18 convicted of a misdemeanor or felony in this or any other state or country within the previous 36  
19 months, the 36 month waiting period will begin from the date of the latest charge or conviction.

20 (d) If determined to be eligible, the Department shall grant authorization for the individual to begin the process for  
21 EMS credentialing as defined in Rule .0502 of this Subchapter.

22 (e) Prior to enrollment in an EMS educational program, the individual must disclose the prior administrative action  
23 taken against the individual's credential in writing to the EMS educational institution.

24 (f) An individual who has undergone administrative action against his or her EMS credential is not eligible for legal  
25 recognition as defined in G.S. 131E-159(d) or issuance of a temporary EMS credential as defined in G.S. 131E-  
26 159(e).

27 (g) For a period of 10 years following restoration of the EMS credential, the individual must disclose the prior  
28 administrative action taken against his or her credential to every EMS System, Medical Director, EMS Provider, and  
29 EMS Educational Institution in which the he or she is affiliated and provide a letter to the OEMS from each  
30 verifying disclosure.

31 (h) If the Department determines the individual is ineligible for EMS credentialing, the Department shall provide in  
32 writing the reason(s) for denial and inform him or her of the procedures for contested case hearing as defined in  
33 Rule .1509 of this Section.

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35 *History Note: Authority G.S. 131E-159(g); 143-508(d)(3); 143-508(d)(10);*

36 *Eff. January 1, 2017.*